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LAWS

OF THE

STATE OF MISSISSIPPI,

PASSED AT

THE ELEVENTH SESSION

OF THE

General Assembly,

HELD IN THE

TOWN OF JACKSON.

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ACTS

Passed at th Eleventh Session of the General Assembly of the State of Mississippi, begun and held in the town of Jackson, on Monday, the seventh day of January, one thousand eight hundred and twenty-eight.



GERARD C. BRANDON,

Governor,

A. M. SCOTT,

Lieutenant-Governor, & President of the Senate.

CHARLES B. GREEN,

Speaker of the House of Representatives.

LAWS

OF THE

STATE OF MISSISSIPPI.

CHAP. I.

AN ACT, for the benefit of Elizabeth Fritzman.

WHEREAS, it appears by the petition of Elizabeth Fritzman, to the General Assembly of the state of Mississippi, that Hugh M. All, late of Natchez, departed this life without any heirs, leaving an estate, the personal part of which, has been administered upon by William C. Grissam, of Natchez; and that the said Hugh M. All, deceased, was the illegitimate son of the said Elizabeth; and by the law of the land, the property of such illegitimate issue escheats to the state; and whereas, the said Elizabeth has petitioned the Legislature of this state, to pass a law, making her the heir and representative of her said deceased son—
Therefore:

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That the said Elizabeth Fritzman, now resident at Port Gibson, shall and she is hereby declared to be the legal heir and representative of the said Hugh M. All, deceased; and shall be entitled to the estate of the said All, whether real, personal or mixed.*

Sec. 2. *And be it further enacted,* That the said William C. Grissam, administrator of the said All, deceased, is hereby authorized and directed to pay to the said Elizabeth, or her attorney, all sums of money and other property which has, or may come to his hands as such administrator as aforesaid, after paying the debts due from said estate.

Sec. 3. *And be it further enacted,* That it shall be lawful for the said Elizabeth Fritzman, to institute any suit or suits, either in law or in equity, against any person or persons, holding or detaining said estate, which may be necessary for the recovery of the same.

Sec. 4. *And be it further enacted,* That it shall be lawful for the said Elizabeth, to bargain, sell and convey by deed, or otherwise, all the real estate which she may inherit from her said son, under the provisions of this act.

APPROVED: January 18th, 1828.

CHAP. II.

AN ACT, for the relief of Gerard C. Brandon.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That the Auditor of Public Accounts be, and he is hereby authorized and required to issue his warrant on the state treasury in favor of Gerard C. Brandon, for the sum of one thousand six hundred and eleven dollars, in full of said amount, paid by the said Gerard C. Brandon to Peter Isler, for printing the laws and journals of 1827, and the State

LAWS OF THE STATE OF MISSISSIPPI.

7

Treasurer is hereby authorized and required to pay said amount out of any moneys in the treasury not otherwise appropriated.

APPROVED : January 22d, 1828.

CHAP. III.

AN ACT, to revive and amend an act, entitled 'an act, directing the mode of choosing electors to vote for President and Vice-President of the United States.'

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That the act, entitled an act, directing the mode of choosing electors to vote for President and Vice-President of the United States, approved January 15th, 1824, be, and the same is hereby revived and continued in force, and shall be so construed as to read that the election shall be held on the first Monday in November, in each and every year when the election for President and Vice-President of the United States shall take place.

APPROVED : January 22d, 1828.

CHAP. IV.

AN ACT, to allow additional compensation to certain witnesses in certain cases.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That hereafter

when any surveyor of lands shall be summoned to attend as a witness in actions of ejectment, trespass, *quare clausum fregit* or other suits involving questions of boundary in any courts of this state, he shall be entitled to charge his attendance in each and every suit in which he shall have attended as a witness, and the same shall be allowed in the bills of cost, any law to the contrary notwithstanding.

APPROVED: January 24th, 1828.

CHAP. V.

AN ACT, to restore the boundary between the counties of Hancock and Jackson

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That from and after the passage of this act, the boundary between the counties of Jackson and Hancock, as established by the act, entitled an act, to define the boundaries of the several counties of this state, passed June 29th, 1822, be, and the same is hereby restored; and all acts, and parts of acts, contravening the provisions of this act, be, and the same are hereby repealed: Provided, That townships one and two, in range ten, shall be annexed to, and become a part of Perry.*

APPROVED: January 24th, 1828.

CHAP. VI.

AN ACT, to establish an additional election district in the county of Jefferson, and to change one already established.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That in addition to the places already appointed by law, for holding elections in the county of Jefferson, there shall hereafter be elections held at the house, now occupied by Maxfield Ludlow, at the junction of the road from the Petit Gulf with the state road, leading from Port Gibson to Natchez, at such times, and for such purposes as are appointed by law, for holding elections in this state.*

Additional place of holding elections.

Sec. 2. *And be it further enacted, That the place appointed for holding elections in the Union Town district, in said county be, and the same is hereby changed from Union Town, to the house now occupied by John Steele, on the state road leading from Port Gibson to Natchez.*

APPROVED: January 24th, 1828.

CHAP. VII.

AN ACT, for the relief of John Alexander, and for other purposes.

WHEREAS, the commissioners of Lawrence Preamble. county, appointed to superintend the public buildings of said county, did on the — day of June, 1825, let out the building of the jail for said county when the same was bid off by John Alexander; and whereas, the special tax levied in conformity to an act of the General Assembly, in

1825, 1826 and 1827, is insufficient for the purposes intended—Therefore:

County court to adjust accounts between commissioners, and John Alexander
 Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That the county and probate court of Lawrence county be, and they are hereby required to adjust the accounts between the commissioners of public buildings in said county and John Alexander; and the said court is hereby authorized, at their discretion, to levy a special tax, not exceeding half the state tax for the year 1828, to be applied towards the payment of the balance due from the county to said Alexander, and that the said court be allowed to levy an additional tax in the year 1829, of such further sum as may be necessary for the full discharge of the said demand against said county, which sum or sums so assessed, shall be collected by the tax collector of said county at the time of collecting the state tax, and paid over to the county treasurer, subject to the order of said Alexander.

Collector to receive compensation.
 Sec. 2. *And be it further enacted,* That the aforesaid tax collector shall be entitled to receive for assessing and collecting the said tax, such per cent. as is allowed by law for collecting the state tax.

To give bond.
 Sec. 3. *And be it further enacted,* That the aforesaid tax collector shall give bond and security to be approved of by the county court of said county, payable to the Judge of Probate and his successors in office, conditioned for the faithful performance of the duties required of him by this act.

APPROVED: January 24th, 1828.

CHAP. VIII.

AN ACT, for the relief of the legal representatives of the late William H. Smith.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That the auditor of public accounts is hereby authorized and required to issue his warrant on the state treasury, in favor of the legal representatives of the late William H. Smith, of Jefferson county, for the sum of seventy dollars and twenty cents.

Sec. 2. *And be it further enacted,* That the treasurer of the state is hereby authorized and required, on the presentment by the legal representatives of the said Smith, or their agent, of the aforesaid auditor's warrant, to pay over the same.

APPROVED: January 26th, 1828.

CHAP. IX.

AN ACT, to incorporate the members of Franklin Library Society.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That the officers for the time being, their successors in office, and the members of Franklin Library Society, in the town of Meadville, Franklin county, be, and they are hereby made and constituted a body corporate, by the name and style of Franklin Library Society; and are made capable, in their corporate capacity, of purchasing and holding by lease or in fee simple, any lot or parcel of ground, or building with

its appurtenances for the use and benefit of said society, together with personal property not exceeding the value of ten thousand dollars, they may receive and enforce the collection of donations and subscriptions, may sue and be sued, plead and be impleaded, in any court of law or equity in this state, touching any matter or any thing affecting the rights or interest of society. They may have a common seal, and may alter or change the same at discretion; they may make bye-laws, rules and regulations, and enforce the same for the good order and government of their society, not inconsistent with the constitution and laws of this state; and may do and perform all other acts and things incident to bodies corporate, for the prosperity and perpetuity of their society.

APPROVED: January 26th, 1828.

CHAP. X.

AN ACT, to provide for the distribution of the acts of Congress.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That it shall be the duty of the Secretary of State to transmit to the clerks of the circuit courts of the several counties in this state, under such regulations as are prescribed by law, for the distribution of the laws and journals of the General Assembly, one copy of the acts of each session of the Congress of the United States, which have heretofore been transmitted to the seat of government for the use of the state, and annually hereafter one copy of the acts

Secretary
of State to
distribute
acts of Con-
gress.

of each session of Congress; *Provided*, The number of copies heretofore received, or which hereafter may be received, may be sufficient to admit each county to be furnished with a copy, and not less than five copies reserved for the use of the General Assembly.

Sec. 2. *And be it further enacted*, That it shall not be lawful for the clerks in whose care said acts of Congress may be placed, to permit them to be taken from their offices, unless for the use of some court, under the penalty of five dollars for every offence, and the value of any copy or copies of said acts which may be lost by their negligence, recoverable before any court of competent jurisdiction, for the use of the state.

APPROVED: January 26th, 1828.

CHAP. XI.

An act, to authorize the county court, of Copiah county, to levy a special tax, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened*, That it shall be the duty of the county court, of said county, at their first, or second regular term, after the passage of this act, to levy a special tax, on the said county of Copiah, not exceeding one fourth of the state tax, and to be assessed on all property and persons subject to state tax, to be collected by the tax collector of said county, and by him paid over to the county court of said county; which amount, when so collected, shall be exclusively ap-
County court to levy a special tax.

propriated by the said court, to the payment of the debts due for building the Court-house and jail of said county.

Collector
to give
bond.

Sec. 2. *And be it further enacted*, That the collector of said county, shall give bond and approved security, in the penal sum of one thousand dollars, payable to the presiding justice of said county, and his successors in office, conditioned that he will faithfully collect and pay over the said moneys, on or before the first day of January, one thousand eight hundred and twenty-nine.

Collectors
compensa-
tion.

Sec. 3. *And be it further enacted*, That the county court of said county, shall make a reasonable allowance to the said collector for his services for collecting said special tax, not exceeding three per cent.

Offices of
assessor &
collector
separated.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Governor of this state, to appoint one respectable person as assessor of taxes, in and for the said county of Copiah, who shall enter into bond with security in the sum of one thousand dollars, to be approved of by the judge of probate of the aforesaid county, payable to the Governor of the state, for the time being, and his successors in office, conditioned for the faithful performance of his duties according to law; and one other person to be appointed the collector of taxes in, and for said county, who shall enter into bond and security as heretofore required of the assessor and collector of said county, whose duty shall be the same as heretofore required by law.

Sec. 5. *And whereas*, about the twelfth July last, there was a negro slave convicted of a capital offence in the said county of Copiah; and there being no statute that provided for the payment of

the justice of the peace, constable or witnesses in said case—Therefore, *be it further enacted*, That the county court of Copiah county be, and they are hereby authorized and required to issue their warrant on the treasury of said county, for the amount of services rendered by the said justice, constable and witnesses in said case, respectively. County court to make certain allowance.

APPROVED, January 26th, 1828.

CHAP. XII.

AN ACT, to emancipate Charles and Eve, persons of color.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened*, That Charles and Eve, persons of color, mentioned in the petition of Joseph E. Davis, be, and they are hereby emancipated, and set free from slavery, on the condition that the said Joseph E. Davis enter into bond in the sum of one thousand dollars, payable to the Governor, for the use of the state of Mississippi, with security to be approved by the county court of Wilkinson county, and filed in the clerk's office of said county, conditioned for the good behaviour of said Charles and Eve, and that they shall not become a public charge.

APPROVED: January 26th, 1828.

CHAP. XIII.

AN ACT, to incorporate the Presbyterian Church of Petit Gulf, in Jefferson county, and Bethel Presbyterian Church in Claiborne county.

Trustees
of Petit
Gulf Pres-
byterian
Church.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That Rush Nutt, David Hunt, John H. Savage, John Watts and James Cowden, be, and they and their successors forever, are appointed and constituted trustees for the management of the temporal concerns of the Presbyterian Church of Petit Gulf, in Jefferson county.

Trustees
of Bethel
Presbyte-
rian
Church.

Sec. 2. *And be it further enacted,* That William Young, Lewellan Brice, John H. McGrunder and Smith C. Daniel be, and they and their successors forever, are hereby appointed and constituted trustees for the management of the Bethel Presbyterian Church in Claiborne county.

Constitut-
ed bodies
corporate.

Sec. 3. *And be it further enacted,* That they and their successors shall be, and they are hereby declared and constituted bodies corporate, in fact and in name, by the titles and style of the trustees of the Presbyterian Church of Petit Gulf, and the trustees of the Bethel Presbyterian Church, and by such name, respectively, they and their successors shall have perpetual succession and be capable in law of holding, for the use of their respective church, real and personal estate, to the amount of thirty thousand dollars; and they and their successors, respectively, shall be capable and liable in law of suing and being sued, pleading and being impleaded, in all manner of actions, both in law and in equity, and to do all things incident to bodies corporate.

Their
powers.

Sec. 4. *And be it further enacted*, That all subscriptions, donations, grants, gifts and devises made to and for the use of said churches, respectively, shall be vested in the trustees of said church, and their successors, for the use and benefit of said church. Donations to vest in trustees.

Sec. 5. *And be it further enacted*, That the trustees aforesaid shall be governed by such constitutions, by-laws and regulations as they may hereafter make or establish for their respective church: *Provided*, such constitution, by-laws and regulations be not repugnant to the constitution of the United States, and the constitution and laws of this state. Trustees to establish by-laws, &c.

APPROVED: January 26th, 1828.

CHAP. XIV.

AN ACT, to divide Yazoo county, and to organize a new county out of the same.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened*, That so much of the county of Yazoo as lies east of Big Black river, beginning on the east bank of said river, where the Hinds county line strikes the same, thence with said line to Pearl river, thence up said river to the Choctaw boundary line, thence with said boundary line to where it strikes the Big Black, thence down the Big Black river to the beginning, shall constitute a county, which shall be called the county of Madison. Boundaries of Madison county.

Sec. 2. *And be it further enacted*, That the

Times of
holding
county
and pro-
bate courts

county courts of the county of Madison, shall be held on the first Mondays in March, June, September and December, in each and every year, and may continue two days at each term, and no longer; and the probate courts of the said county of Madison, shall be held four times in each year, at the times of holding the county courts of said county.

Where
courts to
be held.

Sec. 3. *And be it further enacted,* That the place of holding the respective courts, in the county of Madison, shall be at the present court house of Yazoo county, until a court house shall be built, as hereinafter provided for, and thereafter at such court house.

Governor
to issue
writ of e-
lection for
sheriff.

Sec. 4. *And be it further enacted,* That it shall be the duty of the Governor of this state, so soon as a judge of probate is commissioned and qualified for the county of Madison, to issue a writ of election, directed to said judge of probate, requiring him to hold an election for sheriff and coroner, for the said county of Madison, at the several places hereinafter provided for holding elections for members of the General Assembly.

Judge of
probate to
give no-
tice of e-
lections.

Sec. 5. *And be it further enacted,* That it shall be the duty of the said judge of probate to give at least thirty days' notice of said election, by advertising the same at five of the most public places in said county of Madison, and otherwise conduct the same, in all respects, in conformity to the laws regulating elections.

Commis-
sioners to
select site
for public
buildings.

Sec. 6. *And be it further enacted,* That Josiah S. Doak, Robert Carson, sen., John P. Thompson, Wm. Wilson and Archibald McGeehee are hereby appointed commissioners to select a site for the erection of public buildings in said county of Madison; and that they are hereby authorized to receive, by donation or purchase, not

more than one eighth of a section of land, nor less than twenty acres, and to contract for building a court house and jail for said county.

Sec. 7. *And be it further enacted,* That the county court of the county of Madison, whenever the same is organized, shall have power to levy a special tax for such sum as they may deem necessary, not exceeding the amount of the state tax, to defray the expense of erecting a court house and jail, which said tax shall be paid over to the county court, or undertaker of such public buildings, on the certificate of the commissioners named in this act, that the work has been completed.

County court to levy a special tax.

Sec. 8. *And be it further enacted,* That the assessor and collector of taxes, for the said county of Madison, shall give bond and security to the presiding justice of the county court of Madison, in the penal sum of one thousand dollars, conditioned to comply with the provisions of this act.

Collector to give bond.

Sec. 9. *And be it further enacted,* That the county of Madison shall be entitled to one member in the House of Representatives of this state, to be elected at the time, and in the manner prescribed by law for holding elections in the several counties in this state.

Madison county to have one representative.

Sec. 10. *And be it further enacted,* That the county of Madison shall be attached to the same senatorial district in which it has heretofore stood.

To what senatorial district attached.

Sec. 11. *And be it further enacted,* That the county of Madison shall constitute a separate regiment, to be known and styled the twenty-fifth regiment of Mississippi militia, and shall be organized agreeably to the existing militia law of this state.

To constitute the 25th regiment.

Sec. 12. *And be it further enacted,* That the county and circuit courts for Yazoo county shall be held at the house at present occupied by Wil-

Place of holding county and circuit courts in Yazoo.

liam P. Gadsbury, until otherwise provided for by law.

Com-
mis-
sioners to
fix on a
site for
public
buildings
in Yazoo
county.

Sec. 13. *And be it further enacted,* That Joel A. George, Thomas Tinnon, Marcus Pierce, William Doak and Davis Braysele be appointed commissioners, to select a site for the court house, for the county of Yazoo; and that they be authorized to receive, by donation or purchase, for the use of said county, not exceeding one eighth of a section of land, nor less than twenty acres; and if by purchase, they are hereby authorized to draw out of the county treasury any moneys not otherwise appropriated.

When to
meet and
their pow-
ers.

Sec. 14. *And be it further enacted,* That the commissioners shall meet at such place as they may appoint, to transact said business, at any time within sixty days after the passage of this act; they shall have full power to let out the erection of a court house and jail, to lay off town lots, and dispose of them for the benefit of said county of Yazoo, as they may deem expedient.

County
court of
Yazoo, to
levy spe-
cial tax.

Sec. 15. *And be it further enacted,* That the county court of the said county of Yazoo, shall have power to levy such special tax, as they may deem necessary, not exceeding the amount of the state tax, to be applied to erecting public buildings, and such sum as may be necessary, shall be paid over to the undertaker or undertakers of said buildings, on the certificate of the commissioners named in this act, that the work has been performed, and that the assessor and collector of said county of Yazoo, shall execute bond and security to the chief justice thereof, in the penal sum of one thousand dollars, conditioned to pay over to the said commissioners or undertaker or undertakers, all sums of money collected by him by virtue of this act.

Sec. 16. *And be it further enacted,* That all suits, plaints and actions which shall be pending in the circuit court of Yazoo county at the passage of this act, where the defendants reside in the county of Madison, shall be transferred by the clerk of the circuit court of Yazoo county to the clerk of the circuit court of Madison county within sixty days after the passage of this act, or as soon thereafter as a clerk for the county of Madison shall be qualified to receive the same, to be acted on in the same manner as though they had originated in the county of Madison.

Suits to be transfer red to Ma-
dison
county.

Sec. 17. *And be it further enacted,* That the places of holding elections in the said county of Madison, in addition to the seat of justice, shall be as follows, to wit: one shall be held at the house of Robert Carson, and one at the house of George Cohers, in said county, and shall be conducted agreeably to the laws regulating elections within this state.

Places of
holding e-
lections in
Madison
county.

Sec. 18. *And be it further enacted,* That hereafter one additional election shall be held at the house of Solomon Wolfe, in the county of Yazoo, and instead of the election formerly held at Jerks-ville, the same shall, in future, be held at the place known by the name of Sitarcia, in the said county of Yazoo.

Places of
holding e-
lections in
Yazoo
county.

APPROVED : January 29th, 1828.

CHAP. XV.

AN ACT, to authorize Samuel Lee to erect and keep a toll-bridge over the Chickasawhay river.

Samuel
Lee, au-
thorized
to keep a
toll bridge

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened; That Samuel Lee, his heirs and assigns, have the exclusive right to build and keep a toll-bridge over the Chickasawhay river, in the county of Wayne, at or near Lee's ferry, in said county; the said right to continue for the term of ten years, from and after the passage of this act.*

Rates of
toll.

Sec. 2. *And be it further enacted, That at the completion of said bridge, the said Samuel Lee, his heirs or assigns, may demand and receive the following rates, to wit: For each four horse or ox waggon and team, fifty cents; for each cart, with oxen, twenty-five cents; for each cart, with horse or horses, twenty-five cents; for each four-wheeled pleasure carriage, fifty cents; for each two-wheeled pleasure carriage, twenty-five cents; for each Dearborn, twenty-five cents; for man and horse, twelve and one half cents; for each drove or led horse, six and one fourth cents; for all stock, be the same cattle, sheep or hogs, three cents per head.*

'To keep
bridge in
good re-
pair.

Sec. 3. *And be it further enacted, That the said Samuel Lee, his heirs or assigns, shall keep said bridge in good repair, and attend to the passage of all persons wishing to cross the same; and, the said Samuel Lee, his heirs or assigns, shall be subject to the same rules, fines, and forfeitures, as the law now prescribes, regulating highways, ferries, and bridges.*

Sec. 4. *And be it further enacted, That the General Assembly may, at the expiration of four*

years from the passage of this act, and at the expiration of every two years thereafter, until this act shall expire, alter the rates of toll, by increasing or diminishing the same. Rates of toll may be altered

APPROVED: February 1st, 1828.

CHAP. XVI.

AN ACT, to reduce the terms of the county and orphans' court, of the county of Perry, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That hereafter, the regular terms of the county court of Perry Times of holding courts, in Perry county. shall be held on the fourth Mondays of May and November, in each and every year and not oftener.

Sec. 2. *And be it further enacted,* That the regular terms of the orphans' court of said Time of holding orphans' court. county, shall be held on the fourth Mondays of February, May, August and November, and not oftener.

Sec. 3. *And be it further enacted,* That it shall, hereafter, be the duty of the county court, of Perry, at their May term of said court, annually, to levy a special tax, of not more than ten County court to levy an annual special tax. per centum on the state tax, for the benefit of the poor of said county, which said tax shall be assessed by the assessor, and collected by the collector, free of compensation therefor; and it shall be the duty of the collector of taxes, for said county, to pay over the same to the county treasurer, at the time required by law, to pay over other county taxes.

Duty of
county
treasurer.

Sec. 4. *And be it further enacted,* That it shall be the duty of the county treasurer, to pay over the same, on the order of the overseers of the poor, of said county, free of commissions, for receiving and paying out the same.

Time of
holding
county
courts in
Green
county.

Sec. 5. *And be it further enacted,* That from and after the passage of this act, the regular terms of the county court, in and for the county of Green, shall be held on the first Mondays of June and December, in each and every year, and not oftener.

Ditto or
orphans'
court.

Sec. 6. *And be it further enacted,* That the regular terms of the orphans' court, of the county of Green, shall be held on the first Mondays of March, June, September and December, in each and every year, and no oftener.

Do. Jack-
son
county.

Sec. 7. *And be it further enacted,* That the regular terms of the county courts, in and for the county of Jackson, shall be held on the second Mondays of June and December, in each and every year, and not oftener.

Sec. 8. *And be it further enacted,* That the regular terms of the orphans' court of said county of Jackson, shall be held on the second Mondays of March, June, September and December, in each and every year, and not oftener.

Repealing
clause.

Sec. 9. *And be it further enacted,* That all acts, and parts of acts, contravening the provisions of this act, be, and the same are hereby repealed.

APPROVED: February 12th, 1828,

CHAP. XVII.

AN ACT, to provide for holding to bail, in certain cases.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That in all actions, in which a *capias ad respondendum* shall have issued in the first instance, from any court of law in this state, and no bail shall have been required from the defendant or defendants; if, at any time before judgment in such cause, the plaintiff shall be apprehensive that the defendant or defendants is, or are about to remove from the county or state, and affidavit thereof be made, and of the amount of plaintiff's claim, or of the damages believed to have been sustained, the clerk of the court, in which such suit is pending, shall issue a second writ in such cause, returnable to the next succeeding term of the court, after the date of such writ, and endorse thereon, "bail to be taken for the amount sworn to;" which shall be executed by the sheriff, in the same manner as other writs requiring bail, and be returned accordingly; and, upon the return of such writ executed, the cause shall progress to a final judgment, in the same manner as if such writ, requiring bail, had been issued in the first instance.

APPROVED: February 12th, 1828.

CHAP. XVIII.

AN ACT, to authorize the county court of Simpson county, to levy a special tax, and for other purposes.

County court to levy a special tax.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That it shall be the duty of the county and probate court, of the county of Simpson, at their next, or some subsequent term of said court, to levy a special tax for the year one thousand eight hundred and twenty eight, not exceeding one half of the amount of the county tax, on all persons and property, subject to taxation, which shall be collected by the tax collector, in the same manner as is prescribed by law, for collecting the county and state tax; whose duty it shall be, to pay over the same to the commissioners for the erection of public buildings, of said county, at the time prescribed by law, for paying into the treasury the state tax; and the said commissioners shall apply the same to the payment of the sum due for the public buildings.

Collector's duty.

Sec. 2. *And be it further enacted,* That it shall be the duty of the tax collector, to give bond and security in the same manner, and shall receive the same compensation as prescribed in the act, entitled "An act, to establish a permanent seat of justice for the county of Simpson;" and, in case of a failure of the collector to pay over the money collected by virtue of this act, the commissioners shall have the same remedy against him, as is given by law to the auditor of public accounts, in similar cases.

Collector to pay certain warrants.

Sec. 3. *And be it further enacted,* That it shall be the duty of the collector of taxes of said

county, to pay such warrants or certificates, for the maintenance or support of the poor, within said county, as may be presented by any person, duly authenticated, as soon as he has received so much of the county tax; and the warrants or certificates so paid, shall be allowed by the county treasurer, in the settlement of said tax collector.

APPROVED: February 12th, 1828.

CHAP. XIX.

AN ACT, to repeal so much of the act, entitled an act, to authorize the county courts of the several counties therein named, to make allowances to clerks of elections, approved February 8th, 1827, as relates to the counties of Wilkinson and Jefferson, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That from and after the passage of this act, the county courts of the counties of Wilkinson and Jefferson, shall not make any allowance to clerks of elections, except for services performed in the year one thousand eight hundred and twenty-seven. Clerks of elections not to have compensation.

Sec. 2. *And be it further enacted,* That all acts and parts of acts coming within the purview and meaning of this act be, and the same are hereby repealed. Repealing clause.

APPROVED: February 4th, 1828.

CHAP. XX.

AN ACT, to levy a special tax on the county of Jones, and for other purposes therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That for the year one thousand eight hundred and twenty-eight, a tax, equal in amount to one half of the state tax, shall be assessed on, and paid by all persons, and on all property in the county of Jones, that are subject to taxation, to the collector of the state tax, whose duty it shall be to pay over the same to the commissioners of the public buildings, for the county of Jones, at the time prescribed by law for the payment of state taxes into the public treasury.

Special
tax autho-
rized.

Collector's
compensa-
tion.

Sec. 2. *And be it further enacted,* That the collector of taxes for the said county, shall receive the same per centum for collecting the tax directed by this act, as is allowed by law for collecting the state tax.

Penalty on
failure to
collect and
pay over.

Sec. 3. *And be it further enacted,* That if the collector of said county shall fail to collect and pay over the money directed by virtue of this act, the said commissioners shall have the same remedy against him and his securities, as is given by law to the auditor of public accounts, for the collection of the state tax.

How ap-
propriated

Sec. 4. *And be it further enacted,* That when the said tax shall be paid into the hands of the said commissioners, it shall be their duty, with the said money, to pay off all sums of money loaned to the said county by subscription, for the building of a jail.

Sec. 5. *And be it further enacted,* That the remaining balance of said tax, if any there be, shall be laid out and expended by said commissioners towards completing the public buildings of said county.

Sec. 6. *And be it further enacted,* That the size of the public square, the width of the streets, and the size of the lots of the town of Ellisville, in the county of Jones, shall be directed by the commissioners of public buildings of said county, or a majority of them, any law to the contrary notwithstanding.

Duty
and pow-
ers of com-
missioners

APPROVED: February 4th, 1828.

CHAP. XXI.

AN ACT, to authorize the county court of Warren county to levy a special tax.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That it shall be the duty of the county court of Warren county, at the next May term thereof, or so soon thereafter as may be, to levy a special tax for the present year, which shall be applied to the erection and completion of public buildings, in said county.

County
court to
levy a spe-
cial tax.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said court, at the first term thereof, in the year one thousand eight hundred and twenty-nine, and in the year eighteen hundred and thirty; or as soon thereafter as may be, to levy a further special tax, to be applied as aforesaid;

To levy
additional
tax.

Provided, that the tax to be levied in each year, shall not exceed one half of the amount of state tax, for the same year.

Collector's
duty.

Sec. 3. *And be it further enacted*, That it shall be the duty of the assessor and collector of taxes for said county, to assess and collect said special tax in each year, in the same manner, and under the same penalties, as prescribed by law, for assessing and collecting the state and county tax; and he shall pay over the same, when collected, to the commissioners heretofore elected to select a permanent site for a seat of justice, in and for said county, and their successors in office.

To give
additional
bond.

Sec. 4. *And be it further enacted*, That the said assessor and collector, shall enter into an additional bond, with good and sufficient securities, payable to the Governor of this state, for the time being, and his successors in office, in the penalty of three thousand dollars, for the faithful performance of the duties aforesaid.

His com-
pensation.

Sec. 5. *And be it further enacted*, That the assessor and collector shall be allowed the same compensation for assessing and collecting the tax above directed to be levied, as is by law allowed for assessing and collecting the state and county tax; and shall also be allowed for insolvencies, in the same manner.

Money in
county
treasury,
how ap-
plied.

Sec. 6. *And be it further enacted*, That all moneys now in the county treasury, which have accrued from tax on law process, and which are unappropriated, shall be applied to the erection and completion of the public buildings of said county; and the county treasurer is hereby authorized and directed, to pay the same over to the county commissioners as aforesaid; and all moneys

which may hereafter come into the county treasury from tax on law process, which shall not be otherwise appropriated, shall also be so applied to the purposes aforesaid.

APPROVED: February 4th, 1828.

CHAP. XXII.

AN ACT, to change the names of persons therein mentioned, and for other purposes.

WHEREAS, Benjamin Lee, of Marion county, hath petitioned the General Assembly to change the name of Edward Barnes, to that of Edward Lee, and that the said Edward be made the legal heir of the said Benjamin Lee; and that Daniel Johnston hath also petitioned the General Assembly to change the name of Matilda Brinkley, to that of Matilda Johnston, and the said Matilda be made the legal heir of the said Daniel Johnston; and also, that Jonathan D. Parker hath petitioned this General Assembly that the name of John D. Measles be changed to that of John D. Parker, and that the said John D. be made his legal heir:

Preamble

Sec. 1. *Therefore, be it enacted by the Senate and House of Representatives of the State of Mississippi in General Assembly convened, That Edward Barnes, the infant son of widow Mary Barnes, of the county of Marion, shall, from and after the passage of this act, be called and known by the name of Edward Lee, and by that name shall sue and be sued, plead and be impleaded, in*

Edward Barnes' name changed to that of Edward Lee.

all suits and courts whatsoever, and the said Edward is hereby made and constituted in all respects, the legitimate heir of Benjamin Lee, of the county aforesaid, and shall inherit the estate of the said Benjamin Lee, both real and personal, under the rules of descent in this state, in the same manner as though the said Edward was the lawful child of the said Benjamin Lee.

Matilda
Brinkley,
to Ma-
tilda John-
ston.

Sec. 2. *And be it further enacted,* That Matilda Brinkley, the infant daughter of Sally Brinkley, late of Marion county, be hereafter known and called by the name of Matilda Johnston, and shall be taken and considered, in all courts and places as completely the legitimate descendant and heir of Daniel Johnston, of the county aforesaid, as though the said Matilda had been his child and born in lawful wedlock.

John D.
Measles to
John D.
Parker.

Sec. 3. *And be it further enacted,* That John D. Measles, of Jones county, shall hereafter be called and known by the name of John D. Parker, and shall by that name sue and be sued, plead and be impleaded, in any court of law or equity in this state.

Legiti-
mated.

Sec. 4. *And be it further enacted,* That the said John D. Parker shall be deemed and held a legitimate child of Jonathan D. Parker, in the same manner as if he had been born in lawful wedlock, and entitled to all the privileges and immunities incident to a legitimate child.

APPROVED: February 4th, 1828.

CHAP. XXIII.

AN ACT, for the relief of Samuel M. Puckett, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the sum of three hundred dollars be, and the same is hereby appropriated for the relief of Samuel M. Puckett, payable out of the three per cent. fund, in full compensation to the said Puckett, for opening a road from Jackson towards Natchez, to the Claiborne county line.*

Appropriation in favour of S. M. Puckett.

Sec. 2. *And be it further enacted, That the sum of fourteen dollars and fifty cents be, and the same is hereby appropriated, payable out of the three per cent. fund to James C. Dickson, assignee of James Cornell, for printing certain advertisements authorized by law.*

Appropriation in favour of J. C. Dickson.

Sec. 3. *And be it further enacted, That the sum of seven dollars and fifty cents be, and the same is hereby allowed to Benjamin F. Stockton, payable out of the three per cent. fund.*

Appropriation in favour of B. F. Stockton.

Sec. 4. *And be it further enacted, That Silas Brown be allowed the sum of fourteen dollars and fifty cents, for publishing proposals for letting out the road leading from Jackson towards Winchester.*

Sec. 5. *And be it further enacted, That the auditor of public accounts is hereby authorized and required to issue his warrant on the state treasurer, for the above sums as stated, in favour of the proper claimants.*

Auditor to issue warrants.

APPROVED: February 6th, 1828.

CHAP. XXIV.

AN ACT, relative to election districts.

Sec. 1. Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That hereafter, all elections in the second company district, in the county of Hancock, shall be held at the house of Shadrack Steward, instead of the place now directed by law, and not elsewhere.

Place of
holding e-
lection in
Hancock
county,
changed.

Sec. 2. And be it further enacted, That so much of the act, entitled "An act, relative to elections and election districts, passed February eighth, eighteen hundred and twenty seven," as prohibits the operation of that act, in the county of Simpson, be, and the same is hereby repealed; and that the general provisions thereof be, and the same are hereby extended to said county.

Provision
of former
act extend
ed to
Simpson
county.

Sec. 3. And be it further enacted, That the place of holding elections in the Bowie district, in the county of Marion, from and after the passage of this act, shall be held at the house of Niel Munroe, instead of the house of Bennet Easterling, and not elsewhere.

Place of
holding e-
lection in
Marion
county.

Sec. 4. And be it further enacted, That in addition to the court house, there shall hereafter be three places of holding elections in Jackson county, to wit: At the house now occupied by John McRea; at the house of Lewis Parker, and at the house of Walter Denny; any law to the contrary, notwithstanding.

Additional
election
district in
Jackson
county.

Sec. 5. And be it further enacted, That an additional election district shall be, and is hereby established in the county of Washington; and that the place for holding elections in said district,

Additional
election
district in
Washing-
ton coun-
ty.

shall be at the house of Hartwell Cocke, on the Mississippi river.

Sec. 6. *And be it further enacted,* That the sheriff of said county shall, by himself or his deputy, conduct the elections holden at the place above designated, in the manner now prescribed by law for holding elections in the several counties in this state. Duties of sheriff.

Sec. 7. *And be it further enacted,* That the place of holding elections in the upper Homochitto district, in the county of Wilkinson, shall hereafter be at the house of Hiram Randal. Place of holding elections in Wilkinson county.

APPROVED: January 28th, 1828.

CHAP. XXV.

AN ACT, to provide for the preservation of the books, maps and stationery belonging to the state.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That all the books, maps and stationery belonging to the state, shall hereafter be under the immediate superintendence and control of the Secretary of State. Secretary of state to be Librarian.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said Secretary to procure, by purchase, rent, or otherwise, a suitable house, contiguous to the state house, which shall be occupied by the Secretary as his office, and in which he shall deposite all the books, maps and stationery belonging to the state. To build an office.

To require
receipts
for loan of
books.

Sec. 3. *And be it further enacted,* That no book or map shall be delivered to any member of either House of the General Assembly, or other public functionary, unless the applicant shall deposit, with the said Secretary, a written receipt therefor, and for the return of which he shall thereafter be held individually responsible.

To furnish
catalogue
of books
annually.

Sec. 4. *And be it further enacted,* That it shall be the duty of the Secretary of State to furnish, annually, the President of the Senate and Speaker of the House of Representatives, with a catalogue of all the books and maps belonging to the state; and it shall be the duty of said President and Speaker to have the said list or catalogue pasted up in some suitable part of their respective Houses, for the inspection of the members.

APPROVED: February 1st, 1828.

CHAP. XXVI.

AN ACT, to authorize His Excellency, Gerard C. Brandon, Governor of the state of Mississippi, to settle the unadjusted accounts between this state and Alabama.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That His Excellency, Gerard C. Brandon, Governor of the state of Mississippi be, and he hereby is vested with plenary powers to settle with His Excellency, the Governor of the state of Alabama, all unadjusted accounts which exist between the two states.

APPROVED: February 1st, 1828.

CHAP. XXVII.

AN ACT, to sanction the decree, dissolving the bonds of matrimony heretofore subsisting between Adaline N. Witherspoon and Charles S. Witherspoon.

WHEREAS, at the January term last, the superior court of chancery for the western district, the chancellor of this state did order, adjudge and decree, that the bonds of matrimony heretofore existing between Adaline N. Witherspoon and Charles S. Witherspoon, be dissolved; and it appearing to the satisfaction of the General Assembly, that said decree accords with the principles of law and equity—Therefore:

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, (Two thirds of both branches concurring therein,) that the bonds of matrimony heretofore existing between the said Adaline N. Witherspoon and Charles S. Witherspoon be, and the same are hereby dissolved and annulled.*

APPROVED : February 12th, 1828.

CHAP. XXVIII.

AN ACT, to change the times of holding the county courts, in and for the county of Marion, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That from and after the passage of this act, the county court for the county of Marion, shall be held on the first* Time of holding courts in Marion co. changed.

Mondays in March, June, September and December, in each and every year.

County
court to
levy a spe-
cial tax.

Sec. 2. *And be it further enacted*, That between the first day of January and the first day of June, in each and every year, at a regular or special term of the county court of the county of Marion, the said county court shall, and they are hereby authorized and required to levy a tax, which shall be sufficient to discharge the demands on said county, upon the same persons and property, as are subject to state taxes: *Provided, however*, that the county tax so directed to be levied, shall not exceed the amount of the state tax; which said tax shall be assessed and collected in the same manner as is now prescribed by law for the assessment and collection of county taxes; and that all acts, and parts of acts, conflicting with this act, be, and the same are hereby repealed.

APPROVED, February 12th, 1828.

CHAP. XXIX.

AN ACT, to amend an act, entitled "an act, relative to elections and election districts."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened*, That so much of the act, to which this is an amendment, as re-
 Law of 1827, re-
 pealed.

stricts the time of holding elections to one day, in the counties of Lawrence and Claiborne, at the several election districts, other than that of the court house, be, and the same is hereby repealed.

Sec. 2. *And be it further enacted,* That the election directed to be held at the residence of Nathan Smith, in the county of Franklin, shall hereafter be held at the house of Meshach Matthews. Place of holding elections in Franklin county changed.

APPROVED: February 6th, 1828.

CHAP. XXX.

AN ACT, to amend the fiftieth section of an act, to establish the powers of the superior courts, passed June 28th, 1822.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That from and after the passage of this act, pleas in abatement, shall be admitted and received, without oath or affirmation, of their truth, in all cases, where the abatable matter appears on the face of the record.

APPROVED, February 4th, 1828.

CHAP. XXXI.

AN ACT, to amend an act, entitled "an act, better to provide for the payment of jurors of the several counties."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That hereafter it shall be the duty of the collectors of taxes, in the several counties in this state, to receive petit jurors' certificates in payment of county taxes,

and it shall be the duty of county treasurer, to allow the same in his settlement with said collector of taxes: *Provided*, That nothing in this act shall be so construed as to dispense with the oath now required by law, for tax collectors and county treasurers in the settlement of their accounts.

APPROVED: February 11th, 1828,

CHAP. XXXII.

AN ACT, to apply the amount of special tax, raised in the county of Perry, for the years eighteen hundred twenty-six and seven.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened*, That after paying for building the bridges across Milkey Creek, Mill Creek, and the slues at Boguehomo and Leaf River Swamps, and the sum of eighty-five dollars, for repairing the bridge across Dickey Creek, and such others as the overseers of the roads shall direct, out of the amount of the special tax, authorized by law to be levied and collected in the county of Perry, for the years one thousand eight hundred and twenty-six and seven, the residue of the money so raised, as aforesaid, shall be divided into two equal parts, the one to be placed in the county treasury, at the disposal of the overseers of the poor, of said county, and the other half, at the disposal of the county court, for such repairs as they may deem expedient, to the county buildings.

Sec. 2. *And be it further enacted*, That all acts, and part of acts, conflicting with the provisions of this act, be, and the same are hereby repealed.

APPROVED, February 13th, 1828.

CHAP. XXXIII.

AN ACT, to amend an act, entitled an act, to appropriate the moneys arising from the rents of school lands, and for other purposes, passed January the ninth, one thousand eight hundred and twenty-four.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi in General Assembly convened*, That from and after the passage of this act, the trustees for schools and school lands, for the sixteenth section, of township No. seventeen range five, east, in the county of Warren, shall be elected for the term of four years, instead of one year, as heretofore provided by law; and in cases of vacancy in said board, by death, resignation, or otherwise, it shall be the duty of the remaining trustees to call a meeting of the citizens in said township, entitled to vote for trustees, and fill such vacancy by election, which election shall be conducted by said trustees.

Trustees of school lands in Warren county, to be elected for four years.

Sec. 2. *And be it further enacted*, That in addition to the powers already vested in trustees of schools and school lands, by the act to which this is an amendment, the trustees of said section shall have power to clear or improve said sixteenth section, in such manner as they deem most expedient: *Provided*, That said trustees shall not have power to build more than one school house

Powers of said trustees.

thereon, with the necessary buildings thereto attached, and the whole of the fund arising from said section, shall be appropriated for the support of said school.

APPROVED: February 14th, 1828.

CHAP. XXXIV.

AN ACT, to change the times of holding the county courts, for Amite county, and for other purposes.

County & probate courts, when held
 Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That the county court of Amite county, shall commence its sessions on the second Mondays of March, June, September and December; and the probate court of said county shall commence its sessions, on the third Monday of each, and every month.

This act to operate from first May, next.
 Sec. 2. *And be it further enacted,* That this act, shall not go into effect, until the first day of May next.

APPROVED, February 16th, 1828.

CHAP. XXXV.

AN ACT, to amend the one hundred and fortieth section of the orphans court act, passed November the twenty-sixth, one thousand eight hundred and twenty-two.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That hereafter,

whenever any judge of probate in the county of Monroe, shall be interested in the estate of any deceased person of said county, it shall be lawful for the senior associate justice of the county and probate court of said county, to do and perform all acts in relation to said estate, that the judge of probate might or could do, were he not interested therein, any law, usage or custom to the contrary notwithstanding.

APPROVED: February 14th, 1828.

CHAP. XXXVI.

AN ACT, to extend certain terms of the orphans' court of Adams county.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That it shall, hereafter, be the duty of the judge of probate, of Adams county, to hold a court at the court house of said county, on the fourth Monday of every month; and the courts thus to be holden, in the months of December, January, February and March, may each continue for six days, if the business to be done, cannot be sooner finished; and the courts thus to be holden, in the months of April, June, October and November, may each continue for four days, if the business to be done, cannot be sooner finished; and the courts thus to be holden, in the months of May, July, August, and September, may each continue for two days, if the business to be done, cannot be sooner finished; and the sheriff or coroner, (as the case may require,) of said county, shall attend said courts,*

Certain terms of the orphans' court extended.

Sheriff to attend said courts.

and shall perform all the duties, in relation thereto, required of him by law.

Sec. 2. *And be it further enacted*, That so much of the fifth section of the act, to reduce into one, the several acts, concerning last wills and testaments, the duties of executors, administrators and guardians, and the rights of orphans, and other representatives of deceased persons, contained in the revised code, as limits the terms of the orphans' courts, shall not be so construed as hereafter to extend to the county of Adams.

APPROVED, February 8th, 1828.

CHAP. XXXVII.

AN ACT, to provide for the naming of the county seats of the counties of Yazoo and Rankin, and for other purposes.

Co. court of Yazoo co. to designate name of co. seat. Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened*, That the county court of Yazoo county, at their first, or some subsequent term of said court, shall designate the name for the county seat of said county.

Name of county site of Madison county. Sec. 2. *And be it further enacted*, That the county site, in and for the county of Madison, shall be known and called by the name of Madisonville.

Commissioners may lay off lots, & sell the same. Sec. 3. *And be it further enacted*, That the commissioners appointed by law, for locating a seat of justice, for the county of Madison, be, and they are hereby authorized to lay off any land, which they may purchase, or which may be donated for the use of the county, in town lots, of such

size, and in such manner, as they may think most beneficial to the county; and dispose of them on the terms they may choose; the proceeds of the sales to be applied to the erection of a court house and jail.

Sec. 4. *And be it further enacted*, That the county court, of the county of Rankin, at the first, or some subsequent term of said court, shall designate the name, for the county seat of said county.

County
court, of
Rankin
county to
designate
county
site.

APPROVED, February 14th, 1828.

CHAP. XXXVIII.

AN ACT, for the relief of the tax collector of Wilkinson county.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened*, That the auditor of public accounts be, and he is hereby authorized and required to allow to Samuel Harrison, tax collector for Wilkinson county, for the year eighteen hundred and twenty-seven, all sums as were taxed upon John F. Carmichael, of said county, over and above a single tax on the property of said John F. Carmichael, contained in the assessor's return for the said year eighteen hundred and twenty-seven.

APPROVED: February 14th, 1828.

CHAP. XXXIX.

AN ACT, to provide a remedy for collecting forfeited recognizances.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That* whenever any recognizance, either with or without bail, shall have been taken for the appearance of any witness, prosecutor, or any person charged with the commission of any crime, or offence, returnable to any court in this state, and the person so bound to appear shall fail to comply with the terms of such recognizance, and make default, it shall be the duty of the court to enter up a judgment, *nisi*, against the obligor or obligors, in such recognizance, and his or their surety or sureties for the amount of such recognizance, and thereupon a *scire facias* may issue against such obligor or obligors, as against bail in civil cases, returnable to the next term of such court; but no defence shall be admitted to such *scire facias*, which is not now allowed by law in cases of forfeited recognizances.

APPROVED: February 14th, 1828.

CHAP. XL.

AN ACT, for the emancipation of Mary, a person of colour, and her three children.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That* Thomas Cotten, of Port-Gibson, be, and he is, hereby

authorized and empowered, to emancipate from slavery, a negro woman named Mary, and her three children, viz Richard, aged about six years, Daphne, aged about three years, and William, aged about six months, saving the right of creditors: *Provided*, That the said Thomas-Cotter shall enter into bond, with approved security, in the penal sum of two thousand dollars, payable to the judge of probate, for Claiborne county, conditioned for their good behaviour, and that they shall not become a public charge.

APPROVED, February 12th, 1828.

CHAP. XLI.

AN ACT, to change the place of holding the chancery court of the northern district.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened*, That the courts of chancery of the northern district, shall be hereafter held in the town of Clinton, in the county of Hinds, at such place as may be designated by the sheriff of said county, for holding said courts.

APPROVED, February 11th, 1828.

CHAP. XLII.

AN ACT, to change the times of holding the courts of chancery for the northern and third districts.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That hereafter, ^{Chancery court.} the courts of chancery for the northern district ^{Time of hold'g the same for the north-ern distr't} shall commence on the first Mondays in June and December, and may continue three weeks, if business so long require, and no longer.

Sec. 2. *And be it further enacted,* That the ^{Do. third district.} courts of chancery for the third district shall hereafter commence on the first Mondays of May and December, and may continue six days, and no longer.

APPROVED: February 14th, 1828.

CHAP. XLIII.

AN ACT, for the relief of William Haden, and others.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That from and after the passage of this act, it shall and may be lawful for ^{William Haden and others per-mitted to reside in this state.} William Haden, James Miller and Hannibal, free men of colour, to reside within the limits of this state, any law to the contrary notwithstanding: *Provided,* That the said William Haden, James Miller and Hannibal do, each and severally, enter into bond, with good and sufficient security, in the sum of five hundred dol-

lars each, payable to the Governor and his successors in office, conditioned for their good behaviour, and that they will not become a public charge.

Sec. 2. *And be it further enacted*, That it shall be the duty of the judge of probate, of the counties in which the said individuals may reside, to take and receive the bond provided for in the first section of this act, and file the same in the clerk's office of the court over which he presides.

Judge of
probate to
take bond.

Sec. 3. *And be it further enacted*, That Peter Susan, a free man of colour, shall have leave to reside within the limits of this state, upon his entering into bond, with good and sufficient security, in the sum of eight hundred dollars, payable to the judge of probate, of the county of Wilkinson, and his successors in office, conditioned for his good behaviour, and that he will not become a public charge.

Peter Susan may
reside in
this state.

APPROVED: February 14th, 1828.

CHAP. XLIV.

AN ACT, to authorize the expenditure of certain moneys on Pearl river.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened*, That the road commissioners of the county of Marion, are hereby authorized and empowered, at their discretion, to expend the sum of eight hundred dollars, granted to said county by the seventh section of an act, entitled "An act, to establish certain roads therein

mentioned, and for other purposes, approved the thirty-first of January, one thousand eight hundred and twenty-six;" or any part thereof, in improving the navigation of Pearl River, at such points and places, and in such manner as they may deem most expedient: any law to the contrary notwithstanding.

APPROVED: February 12th, 1828.

CHAP. XLV.

AN ACT, to permit John G. Creagh, as guardian of Ann D. Howze and James A. Howze, to remove their property into the state of Alabama.

John G. Creagh to remove property of certain minors.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That* whenever John G. Creagh shall file, in the orphans' court of the county of Wayne, in the state of Mississippi, a certified transcript of the record of the orphans' court of any county in the state of Alabama, shewing that he has become the guardian of Ann D. Howze and James A. Howze, and that he, as their guardian, has returned a correct inventory of their property to said court, it shall be considered as a settlement with the orphans' court of the county of Wayne, and the said John G. Creagh shall then be permitted to remove the property of the said Ann D. Howze and James A. Howze into the state of Alabama.

Sec. 2. *And be it further enacted, That* the said John G. Creagh, before he can avail himself of the provisions of this act, shall render a true

and perfect return of the hire of the slaves of the said minors to the orphans' court of the county in Alabama in which he may obtain letters of guardianship and file a certified transcript of the same in the orphans' court of the said county of Wayne. To render account to orphans' court.

APPROVED: February 8th, 1828.

CHAP. XLVI.

AN ACT, to incorporate the trustees of the first Methodist Episcopal Church, at and near Port-Gibson.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That the reverend Randal Gibson, Ralph Regan, Samuel Hoit, John A. Barnes, Thomas B. Magruder, Perry Nugent and John Venables, and their successors in office forever, be, and they are hereby incorporated, and made a body politic, under the name and style of "the trustees of the first Methodist Episcopal Church, at and near Port-Gibson;" and they, and their successors, shall have perpetual succession; a corporate seal, which they may alter at pleasure; and have, and possess, all other incidents, legally and properly belonging to a body politic and corporate. Body corporate.

Sec. 2. *And be it further enacted,* That the said trustees, and their successors, shall be capable in law, of receiving and holding, by purchase, donation and bequests, or otherwise, any real or personal estate, not exceeding in amount, twenty-five thousand dollars; and to sell, and dispose of the same, at their will and pleasure; and may Then powers.

hold the church, and lot of ground on which it stands, and any other property, real or personal, which may have been conveyed to them, before this act of incorporation, not exceeding the aforesaid amount, and that the said trustees, and their successors, by their corporate name and style aforesaid, shall have power and authority, and are hereby declared liable to sue and be sued, plead and be impleaded, in all courts of law and equity in this state.

Sec. 3. *And be it further enacted,* That the said trustees shall have power to fill any vacancy which may occur from time to time in their body, or direct how such vacancy shall be filled; and they may make such by-laws, rules and regulations, as they may deem necessary for their government, and for the interest of said institution, not repugnant to the constitution and laws of this state or of the United States.

Further
powers.

APPROVED: February 8th, 1828.

CHAP. XLVII.

AN ACT, to divide the office of assessor and collector of taxes for the counties therein named:

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That it shall be the duty of the Governor of this state to appoint one respectable person as assessor of taxes, in and for each of the counties of Warren and Marion, who shall enter into bond and security in

the sum of two thousand dollars, to be approved of by the judge of probate for the aforesaid counties, respectively, payable to the Governor of the state for the time being and his successors in office, conditioned for the faithful performance of his duties according to law; and one other person to be collector of taxes in and for each of the said counties, who shall enter into bond as heretofore required of assessors and collectors in and for said counties, whose several duties shall be the same as heretofore provided by law.

Office of
assessor
and collec-
tor divided
in Warren
and Marion
counties.

Sec. 2. *And be it further enacted*, That the assessors and collectors appointed under this act, shall be entitled to receive the same compensation for their services as is by law allowed to assessors and collectors of taxes for performing similar services.

Asses-
sors' and
collectors'
compensa-
tion.

APPROVED: February 8th, 1828.

CHAP. XLVIII.

AN ACT, dissolving the bonds of matrimony between Domingo Lemos and Julia Ann Lemos.

WHEREAS, at the July term, of the superior court of chancery, for the western district, His Honor the Chancellor of this state, did order, adjudge and decree, that the bonds of matrimony heretofore existing between Domingo Lemos and Julia Ann Lemos be dissolved, and it appearing satisfactorily to the General Assembly, that said decree accords with the principles of law and equity: therefore—

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, (two thirds of both branches concurring therein,) That the bonds of matrimony, hertofore existing between Domingo Lemos and Julia Ann Lemos, be and the same are hereby dissolved and annulled.*

APPROVED: February 8th, 1828.

CHAP. XLIX.

AN ACT, to establish the salary of the Quarter-Master-General.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the Quarter-Master-General of this state shall receive as a compensation for his services, an annual salary of two hundred dollars, to be paid quarterly, out of the treasury of the state.*

APPROVED: February 7th, 1828.

CHAP. L.

AN ACT, allowing further time to physicians and surgeons for recording their licenses.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That a further time of six months from this time, be allowed physicians and surgeons for recording their licenses, as required in the act, entitled "an act, to*

amend the several acts, relative to the admission of physicians and surgeons to the practice of medicine, in the state of Mississippi," passed January twenty-seventh, one thousand eight hundred and twenty-seven, and they are hereby exonerated and exempted from the forfeitures and penalties incurred by their noncompliance with the provisions of said act: *provided*, That all costs arising from prosecutions under said act, shall be paid by the respective defaulters.

APPROVED: February 7th, 1828.

CHAP. LI.

AN ACT, to extend to suits in chancery, the provisions of the seventieth and seventy-first sections of the act, entitled "an act, to reduce into one the several acts, and parts of acts, concerning the establishment, jurisdiction and powers of the superior courts of law, passed June 28th, 1822."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened*, That from and after the passage of this act all the provisions of the seventieth and seventy-first sections of the above recited act be, and hereby are extended to and shall be the rules of practice in and for the chancery courts of this state, and the said chancery courts shall have all the powers therein given to the circuit courts of law.

APPROVED: February 7th, 1828.

CHAP. LII.

AN ACT, for the relief of Samuel Coleman.

WHEREAS, it appears to the General Assembly, that by an act of 1826, entitled "an act, to authorize the building of bridges over certain water courses therein named, and to provide for the payment of the same, that the General Assembly of that session intended and authorized the building of a bridge over Tallehaley, in the county of Perry, and that for the purpose of carrying the provisions of that act into effect, appointed certain commissioners under the name and style of commissioners of public bridges of the counties of Perry and Green; that by the provisions of that act, as well as of the third section of an act of 1827, entitled "an act, to levy a special tax on Perry county, and for other purposes," it was made the duty of the aforesaid commissioners to let the building of the said bridge, and it further appearing to the satisfaction of the General Assembly that the said commissioners did let the building of said bridge, as by law they were directed, and that Samuel Coleman become the contractor for building the same, and that he has faithfully discharged his duty therein, and that said contract was by him entered into under the impression that by the aforesaid acts the faith of the state was pledged for the payment thereof—

Sec. 1. *Therefore, be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the auditor of public accounts is hereby authorized and required to audit and allow the order of the said commissioners in favor of the said Samuel*

Coleman, for five hundred and forty-five dollars, and to issue his warrant on the state treasurer for the same, payable out of the three per cent. fund.

APPROVED: February 8th, 1828.

CHAP. LIII.

AN ACT, to amend an act, concerning strays, stock and drovers.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That from and after the passage of this act, it shall be the duty of rangers to report to the county courts of their respective counties, quarterly, the amount of moneys received by them, on account of the sale of strays. Rangers to report quarterly.

Sec. 2. *And be it further enacted,* That the ranger shall in no case be allowed to make an allowance to the taker up of any stray, which shall be valued at more than twenty dollars, before the same shall be approved by the county court. To make allowance without sanction of court.

Sec. 3. *And be it further enacted,* That the ranger shall in no case be allowed to demand his fees for advertising, unless he shall have actually advertised, or transmitted his advertisement to the printer, as is directed by law. To have no fees for advertising.

APPROVED: February 11th, 1828.

CHAP. LIV.

AN ACT, to incorporate the officers and members of Benjamin Franklin Lodge, number eleven; the officers and members of Clinton Lodge, number sixteen; and the officers and members of Rising Virtue Lodge, number seven.

Sec. 1. Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the officers for the time being, their successors in office, and the members of Benjamin Franklin Lodge, number eleven, in the town of Meadville, Franklin county, be, and they are hereby made a body corporate, by the name and style of the officers and members of Benjamin Franklin Lodge, number eleven, of the state of Mississippi; and made capable in their corporate capacity, of purchasing and holding, either by lease or fee simple, any lot or parcel of ground, for the erection of a Masonic Hall, and appurtenances thereto belonging, and personal property, not exceeding the value of twenty thousand dollars, and of renting, leasing, aliening and conveying the same at pleasure.

Their
powers.

Sec. 2. And be it further enacted, That the said body corporate may receive donations and subscriptions, and enforce the collection of the same; may sue and be sued, plead and be impleaded, in any court of law or equity in this state, touching any matter or thing affecting the rights or interest of said body; they may have a common seal, and may alter or change the same at pleasure; and may make any by-laws, rules and regulations for their good government, not inconsistent, with the constitution and laws of this state; and may do and perform all acts and things incident to a body corporate.

Sec. 3. *And be it further enacted*, That the officers and members of Clinton Lodge, number sixteen, and their successors be, and they are hereby incorporated, under the same restrictions, and with the same privileges, as are mentioned in the preceding section. Officers
of Clinton
Lodge No.
16, incor-
porated.

Sec. 4. *And be it further enacted*, That the officers and members of Rising Virtue Lodge, number seven, in the town of Holmesville, be, and they are hereby declared to be a body politic and corporate, under the same restrictions and regulations as are prescribed for the incorporation of Benjamin Franklin Lodge and the officers and members of Clinton Lodge, mentioned in the above recited act: *Provided, nevertheless*, That the said Rising Virtue Lodge shall hereafter, be secured in the peaceable possession of the house which they have recently erected, in the town of Holmesville; under the assent of the county court of Pike county, and in conjunction with the board of trustees of the town of Holmesville. Officers
of Rising
Virtue
Lodge No.
7 incorpo-
rated.

APPROVED: February 6th, 1828.

CHAP. LV.

AN ACT, to repeal the sixteenth section of an act, entitled 'an act, to establish a permanent seat of justice for the county of Jefferson.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened*, That the sixteenth section of an act, entitled "an act, to establish a permanent seat of justice for the county of

Jefferson," passed February first, 1825, be, and the same is hereby repealed.

APPROVED: February 6th, 1828.

CHAP. LVI.

AN ACT, to provide for holding one term of the supreme court at Natchez.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi.*
 Winter in General Assembly convened, That from and session of after the passage of this act, the winter session of supreme the supreme court of this state, heretofore appointed to be holden on the second Monday of December, in each year, shall be held in the city of Natchez at Natchez.

Sec. 2. *And be it further enacted,* That it shall be the duty of the clerk of the supreme court to have present at each session of the supreme court, Clerk to have present at each session of the supreme court, at the place where the same shall be holden, the minutes of said court, and all records, papers and documents which may appertain, or in anywise belong to causes depending and undetermined at any and each term of said court.

APPROVED: February 7th, 1828.

CHAP. LVII.

AN ACT, to annex a part of Washington county to the county of Yazoo.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That all that tract of territory, lying west of Yazoo river, and east of the following line, shall form and constitute a part of Yazoo county, (viz:) Beginning on the south end of the section line, between sections three and four, of township thirteen, and range two west, and running due north to the Yazoo river.

APPROVED: February 6th, 1828.

CHAP. LVIII.

AN ACT, for the relief of William Parker, a free man of color.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That William Parker, a free man of colour, now residing in the county of Covington, be, and he is hereby authorized and permitted to remain an inhabitant of this state, so long as he shall behave in a peaceable and orderly manner: *Provided,* he shall enter into bond, payable to the governor of the state of Mississippi, and his successors in office, in the sum of one thousand dollars, with security, to be approved of by the county court of Covington county, and filed in the clerk's office of said court,

conditioned for the good behaviour of the said William Parker, and that he shall not become a public charge.

APPROVED: February 6th, 1828.

CHAP. LIX.

AN ACT, for the relief of Samuel C. Wooldridge.

Sec. 1. Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the time of twelve months be, and the same is hereby extended to Samuel C. Wooldridge, for the payment of the deficit in the treasury, and for which he is properly chargeable by the state: Provided, the securities of the said Samuel C. Wooldridge, give and file their written assent in the office of the Secretary of State:

Sec. 2. And be it further enacted, That if any one or more of the securities should fail or neglect to give their assent, in the manner prescribed in the preceding section of this bill, then and in that case, the auditor of public accounts is hereby required to institute a suit against such defaulter or defaulters, for such amount as may be due from the said Samuel C. Wooldridge to the state.

Sec. 3. And be it further enacted, That it shall be the duty of the Governor of the state to appoint three persons of learning and probity, whose duty it shall be, to examine all the accounts of the said Samuel C. Wooldridge, and also of the audi-

tor of public accounts, and report their opinion thereon, to the next General Assembly.

APPROVED: February 16th, 1828.

CHAP. LX.

AN ACT, to change the place of holding the election in the Pine Ridge precinct, in Adams county, and for other purposes.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That hereafter, the place of holding elections in the Pine Ridge precinct, in Adams county, shall be at the Holmes' school house, and not elsewhere. Place of holding elections in Adams co. changed.

Sec. 2. *And be it further enacted,* That there shall be one other election precinct in the county of Madison, and the elections to be holden therein, shall be at the house at present occupied by David Bailey; which shall be conducted in all respects, according to law. Addition- al election district in Madison county.

APPROVED: February 11th, 1828.

CHAP. LXI.

AN ACT, to provide for the appointment of a health officer in the city of Natchez.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That the pre-

sident and selectmen, of the city of Natchez, shall appoint, annually, some suitable person (being a skilful physician,) a health officer, who shall continue in office until the first day of January, next succeeding his appointment, whose duties and powers shall be the same as those pointed out by the acts heretofore enacted, providing for the more healthy police of the city of Natchez, now in force.

APPROVED: February 11th, 1828.

CHAP. LXII.

AN ACT, to amend an act, to establish a court of chancery in this state, and to prescribe the rules of proceeding therein.

*Repeal-
ing clause.* **Sec. 1.** *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That the fifty-sixth section of the above recited act be, and the same is hereby repealed.

*Where
process
has been
executed
twenty
days be-
fore ses-
sion of
court, de-
fendant to
answer on
or before
third day
of term.* **Sec. 2.** *And be it further enacted,* That in all causes now pending, or which shall hereafter be commenced in any superior court of chancery in this state, in which the subpœna, or leading process shall have been executed upon the defendant or defendants, at least twenty days before the term to which the same is made returnable, the defendant or defendants shall appear, answer or demur, on or before the third day of such return term; and in case of default thereof, the complainant's bill may be taken *pro confesso*, and set for hearing at the same term; and such *pro confesso*, so taken, shall not be set aside, unless upon good

cause shewn and payment of costs: *provided*, however, That upon application, further time may Proviso. be given by the court to defendant or defendants, to appear and answer, plead or demur, on good cause shewn, by affidavit or otherwise.

Sec. 3. *And be it further enacted*, That after any bill in chancery shall have been taken *pro confesso* as aforesaid, the complainant may immediately proceed to take depositions of witnesses, Complainant may proceed to take depositions. as in other cases; and in all causes in chancery, after answer or plea filed, either party may immediately proceed to take depositions of witnesses, under such rules as are now, or shall hereafter be established by the chancellor, and all such causes shall be triable at the term succeeding that to which the subpoena was made returnable.

Sec. 4. *And be it further enacted*, That whenever it shall be the duty, by law, of any sheriff, constable or other officer, to attend upon any of the superior courts of chancery while in session, such sheriff, constable or other officer shall, Compensation of sheriffs & constables. for his services, be entitled to the same compensation as is now allowed for similar services in the circuit courts, which compensation shall be paid out of the treasury of this state, when the accounts of such sheriff or constable shall have been allowed by the chancellor, and the auditor is hereby authorized to draw his warrant on the treasury for the same.

APPROVED: February 12th, 1828.

CHAP. LXIII.

AN ACT, to establish Rutledge Academy, in the county of Copiah.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That there shall be established at, or within one mile of Gallatin, in the county of Copiah, an academy, to be known by the name and style of "Rutledge Academy."

Sec. 2. And be it further enacted, That Edmund King, Benjamin Kenedy, William Barnes, Ephraim G. Peyton and David Dickson be, and they are hereby constituted and appointed a body corporate and politic, by the name and style of 'the trustees of Rutledge Academy;' and they and their successors shall be capable in law of receiving donations, suing and being sued, plead and being impleaded, and may in general, do all acts for the benefit of the institution which are incident to bodies corporate and politic.

Sec. 3. And be it further enacted, That the first meeting of the trustees shall be held on the first Monday in April next, at the court house in the town of Gallatin, when and where they shall proceed to elect a president from their own body; and if a majority of the trustees shall fail to meet at that time, a meeting may be called at any future period, by an advertisement signed by any two members of said board of trustees, giving at least five days notice of such meeting; the ordinary meeting of the trustees shall be on their own adjournment; the president, or in his absence any member may call a meeting, if important business shall require it; three members shall constitute a quorum to do business; and the president shall preside over their deliberations, but in his absence

any member may be called to the chair as president, *pro tem*.

Sec. 4. *And be it further enacted,* That in case any member shall die, resign, remove, or refuse to act, a majority of the trustees shall fill such vacancy; they shall, in like manner, supply any vacancy which may happen by the death, removal, resignation, or refusal to act, of the president of said board of trustees: *Provided nevertheless,* That he shall be chosen from their own body.

May fill
vacancies.

Sec. 5. *And be it further enacted,* That the said board of trustees, or a majority of them, are hereby authorized to select, at or within one mile of Gallatin, an eligible situation for the erection of an academical edifice, which they may obtain by donation or purchase; they shall have power to erect suitable buildings, engage teachers, examine into their proficiency, and dismiss or supersede them for malconduct or incompetency at pleasure; they shall, at stated periods, examine into the progress of the students, and adopt by-laws for their government.

To select
situation
for the
academy.

Sec. 6. *And be it further enacted,* That the said trustees and their successors in office shall have the right to hold, in their corporate capacity, real estate to the amount of ten thousand dollars.

May hold
real estate.

APPROVED: February 12th, 1828.

CHAP. LXIV.

AN ACT, to incorporate the town of Liberty, in the county of Amite.

Sec. 1. Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the town

Town of
Liberty
incorporated.

of Liberty shall be, and the same is hereby incorporated, and the inhabitants of said town, entitled to vote, under the restrictions prescribed by the constitution of the state, shall on the first Monday of May next, and on the said first Monday of the same month, in each and every succeeding year, assemble at the court house of said county, between the hours of ten o'clock in the morning, and two of the afternoon of said day; and then and there elect five selectmen, freeholders of said town, a majority of whom shall constitute a quorum to transact business.

When
selectmen
to be elected.

Sec. 2. And be it further enacted, That on the following or some subsequent day after the election of the selectmen as aforesaid, it shall be their duty to assemble at the court house in the aforesaid town of Liberty, and elect from their own body a president, whose duty it shall be to preside and keep order at the meetings of said selectmen, and in case of his absence, any member thereof may be called to the chair, and exercise the functions of president.

To elect
a president.

Sec. 3. And be it further enacted, That the president and selectmen of said town, shall be liable in law, to sue and be sued, plead and be impleaded, defend and be defended in all manner of suits or actions in law or equity; and also to do all acts, which are incident to bodies corporate and politic.

Powers
of president
and selectmen.

Sec. 4. *And be it further enacted,* That the aforesaid president and selectmen, may make all such by-laws, for the government of said town, as they may deem expedient, not inconsistent with the constitution and laws of this state, or of the United States; and they may inflict a penalty on any person for the violation of any such by-laws, not exceeding twenty-five dollars for any one offence, recoverable, with costs, before any justice of the peace of the county of Amite, not residing in the said town of Liberty, in the name of the president and selectmen, for the use and benefit of said town.

May make
by-laws,
&c.

Sec. 5. *And be it further enacted,* That in all such actions the process shall be by warrant, returnable forthwith, and there shall be no stay of execution after judgment, saving the right of appeal to the county or circuit court of said county, in the manner and under the restrictions prescribed by the laws of this state.

In all ac-
tions pro-
cess to be
by war-
rant.

Sec. 6. *And be it further enacted,* That the said president and selectmen may sustain an action against any master, mistress or guardian of a minor, apprentice, servant or slave, for any legal penalty, for any offence committed by such minor, apprentice, servant or slave.

May sus-
tain action
against
master.

Sec. 7. *And be it further enacted,* That the president and selectmen may pass ordinances for regulating petty grocers, keepers of ordinaries, victualing houses, or where fruits, meats or liquors shall be sold, in order to be eaten or drank within such houses, in said town; and for exacting recognizance from every such grocer or other person as aforesaid, on such penalty and with such securities as the said president and selectmen may deem reasonable; conditioned that he or she shall not

May pass
ordinances
regulating
petty gro-
cers, &c.

sell a less quantity than one quart of spiritous or vinous liquors, nor permit any such liquors to be drank in his or her shop, out house, yard or gardens, nor suffer any kind of gaming within the same, nor sell any kind of strong or spiritous liquors, to any minor, apprentice, servant or slave, without a permit from the parent or guardian, master or mistress.

Sec. 8. And be it further enacted, That it shall be the duty of the president and selectmen, or any of them, in all cases of riot, disorders and disturbances of the peace, which shall come under their immediate notice, or with which they shall be made acquainted, to endeavor to quell the same, and may arrest or cause to be arrested, all persons engaged in such riot or other disturbances of the peace, and brought before any magistrate, or the said president, who shall bind them to appear and answer therefor, at the next circuit court of the said county of Amite.

To quell
riots and
disorders.

Sec. 9. And be it further enacted, That if it shall be made to appear, by the testimony of one or more respectable witnesses, that the said president and selectmen, or either of them, did neglect or refuse to perform the duty required of them in this act, they shall, on conviction thereof, before a justice of the peace of the said county of Amite, be fined in any sum, not less than five, nor more than fifty dollars.

Penalty
for neglect
to enforce
this act.

Sec. 10. And be it further enacted, That the president and selectmen may raise by tax, in each year, a sum not exceeding thirty-seven and one half cents on every hundred dollars' worth of such property, as may be liable to taxation in said town; and the same shall be appropriated to the exclusive use of said town, under the direction of said president

May im-
pose an
annual tax.

and selectmen, and they may exempt the inhabitants, or such as they may deem proper, from personal labour on the streets and highways, on the payment of any equivalent sum, not exceeding five dollars, on every such male person above the age of twenty-one years.

Sec. 11. *And be it further enacted,* That the president of the selectmen of said town shall, by virtue of his office have, possess and enjoy all the powers, privileges and emoluments of a justice of the peace for the said county of Amite, and shall be commissioned by the governor as such, any law, usage or custom to the contrary notwithstanding.

President
to be ex-
officio a
justice of
the peace.

Sec. 12. *And be it further enacted,* That if the inhabitants of said town shall fail in any year, at the time prescribed in this act, to elect the selectmen of said town, it shall be lawful for any one of the selectmen of said town, or any justice of the peace of the said county of Amite, to call a meeting of the qualified electors of said town, for the purpose of electing one or more selectmen as aforesaid.

Proceed-
ings on
failure to
elect se-
lectmen.

Sec. 13. *And be it further enacted,* That all acts, and parts of acts, coming within the purview and meaning of this act, be, and the same are hereby repealed.

Repealing
clause.

APPROVED: February 6th, 1828.

CHAP. LXV.

AN ACT, to amend an act, to incorporate the town of Liberty.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That the provisions of an act, entitled 'an act, to incorporate the town of Liberty,' shall extend to and embrace all persons residing within one hundred and twenty-five yards of the margin of said town.

APPROVED, February 11th, 1828.

CHAP. LXVI.

AN ACT, to amend an act, to reduce into one the several acts, and parts of acts, concerning the establishment, jurisdiction and powers of the superior courts of law, passed June 28th, 1822.

State divided into five judicial circuits.

Sec. 1. Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That from and after the passage of this act, the state shall be divided into five judicial circuits, and one judge of the supreme court shall be assigned to every one of the said circuits, who shall reside in some one of the counties of which his district is composed, and shall hold a court in every year, at the court house of the several counties within his circuit, or at such other place, in such counties, as may be designated for the holding of courts, at the times and manner hereinafter directed.

Sec. 2. And be it further enacted, That the counties of Jefferson, Claiborne, Warren and Washington shall constitute the first circuit; the

counties of Franklin, Amite, Wilkinson and Adams shall constitute the second circuit; the counties of Hancock, Marion, Pike, Lawrence and Simpson shall constitute the third circuit; the counties of Covington, Jones, Wayne, Green, Jackson and Perry shall constitute the fourth circuit; the counties of Copiah, Rankin, Hinds, Madison, Yazoo and Mouroe shall constitute the fifth circuit; and the courts to be held in said counties shall be styled the circuit courts of the county of —

Arrange-
ment of
circuits.

Sec. 3. *And be it further enacted,* That a circuit court shall be held in every county in this state twice in every year, and shall commence on the days, and may continue for the term hereinafter specified, that is to say, in the county of Jefferson on the second Mondays of April and October, and may continue six days, and no longer; in the county of Claiborne on the third Mondays of April and October, and may continue twelve judicial days, and no longer; in the county of Warren on the first Mondays of May and November, and may continue twelve judicial days, and no longer; in the county of Washington on the fourth Mondays of May and November, and may continue six days, and no longer; in the county of Franklin on the first Mondays of April and October, and may continue six days, and no longer; in the county of Amite on the second Mondays of April and October, and may continue twelve judicial days, and no longer; in the county of Wilkinson on the fourth Mondays of April and October, and may continue twelve judicial days, and no longer; in the county of Adams on the third Mondays of May and November, and may continue eighteen judicial days, and no longer; in the

Times of
holding
courts in
the several
counties in this
state.

county of Hancock on the second Mondays of March and September, and may continue six days, and no longer; in the county of Marion on the third Mondays of March and September, and may continue six days, and no longer; in the county of Pike on the fourth Mondays of March and September, and may continue six days, and no longer; in the county of Lawrence on the first Mondays of April and October, and may continue twelve judicial days, and no longer; in the county of Simpson on the third Mondays of April and October, and may continue six days, and no longer; in the county of Covington on the fourth Mondays of March and September, and may continue six days, and no longer; in the county of Jones on the first Mondays of April and October, and may continue six days, and no longer; in the county of Wayne on the second Mondays of April and October, and may continue six days, and no longer; in the county of Green on the third Mondays of April and October, and may continue six days, and no longer; in the county of Jackson on the fourth Mondays of April and October, and may continue six days, and no longer; in the county of Perry on the first Mondays of May and November, and may continue six days, and no longer; in the county of Copiah on the fourth Mondays of March and September, and may continue six days, and no longer; in the county of Rankin on the first Mondays of April and October, and may continue six days, and no longer; in the county of Hinds on the second Mondays of April and October, and may continue six days, and no longer; in the county of Madison on the third Mondays of April and October, and may continue six days, and no longer; in the county of Yazoo on the

fourth Mondays of April and October, and may continue six days, and no longer; in the county of Monroe on the second Mondays of May and November, and may continue twelve judicial days, and no longer.

Sec. 4. *And be it further enacted*, That every execution, subpoena, writ *venire facias*, or other process, heretofore issued and made returnable to any other terms of the circuit courts, and all recognizances for the appearance of any defendant or defendants, as heretofore existing, shall be valid, and held returnable to the next terms of such courts as are herein and hereby prescribed and established.

All process already issued to be valid.

Sec. 5. *And be it further enacted*, That the provisions of this act, so far as relates to the altering and changing the times of holding the circuit courts of Jones, Wayne, Green, Jackson and Perry counties, shall not go into operation until after the next adjournment of the courts thereof; and the first terms of said courts respectively, shall be held at the times, as prescribed by law before the passage of this act; and after which term, the said courts respectively, shall stand adjourned until their next fall terms, as prescribed by this act.

This act not to affect certain counties until after the next terms of the courts.

APPROVED: February 14th, 1828.

CHAP. LXVII.

AN ACT, to amend an act, entitled "an act, respecting the appointment and duties of sheriffs," passed June 15th. 1822.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That if any sheriff, under sheriff, coroner or other officer, shall collect, by virtue of an execution or executions, a part, or the whole amount of money due by such execution or executions, such sheriff, under sheriff, coroner or other officer shall, immediately after the collection of any such sum or sums of money, pay the same over to the plaintiff in the execution, or his attorney, provided that the plaintiff or his attorney shall demand the same; and, on failure to pay the same at the time of demand made, such sheriff, under sheriff, coroner or other officer, his and their sureties shall be liable to pay to the plaintiff in the execution, the whole amount of money so collected, together with twenty-five per cent. damages thereon, with interest at the rate of eight per cent. per annum; to be recovered by motion before the court to which such execution is made returnable, after reasonable notice to such sheriff or other officer, of such motion; and, the clerk of the court before which such motion is made, shall endorse on the execution issuing on the judgment against such sheriff, coroner or other officer, and their securities, that "no security of any kind shall be taken:" *Provided, always,* that if any sheriff shall have more executions than one in his hands, and shall have failed to make a sufficiency of money to satisfy the whole amount of the several executions, and shall file an affidavit of the fact, with the clerk of the circuit court of the

Sheriff or other officer to pay over money collected, to plaintiff.

Proviso.

Clerks to endorse the execution.

Proviso.

proper county, such sheriff shall not be liable to the penalties hereby prescribed.

Sec. 2. *And be it further enacted,* That if any sheriff, coroner or other officer shall, on the trial of any such motion, deny that the money was by him or them collected, and if it shall not appear by the records of the court that the money has been collected, the court before which the motion is pending, shall immediately cause a jury to be empannelled to try the fact, on issue joined by the parties, under the direction of the court; and if it shall be found against such sheriff, coroner or other officer, judgment shall be entered up against him or them, and his and their sureties, for the whole amount collected, and the damages and interest thereon with double costs.

Proced-
ings in
case she-
riff deny
having
collected
money.

Sec. 3. *And be it further enacted,* That all sheriffs shall be liable in the manner above prescribed, for money collected by their deputies on executions, whether the same shall have come to the hands of the sheriff or not.

Sheriffs
liable for
money
collected
by deputy.

Sec. 4. *And be it further enacted,* That if any sheriff, or his deputy or deputies, coroner or other officer, shall make a false return on any execution or other process to him or them directed, such sheriff, coroner or other officer and their sureties, for every such offence shall pay a fine of five hundred dollars, one half to the plaintiff in the execution or other process, and the other half to the use and benefit of the literary fund, recoverable by motion to the court, to which such execution or other process is returnable, after reasonable notice given to such sheriff, coroner or other officer of such motion.

Penalty
for making
return.

Sec. 5. *And be it further enacted,* That if the return on the execution or other process alleged

Proceed
ings when
return
on execu
tion alleg
ed to be
false does
not appear
on the face
of the re-
cord to be
so.

to be false, shall not appear on the face of the record to be so, the court before which such motion is made, shall immediately proceed to empanel a jury to ascertain whether such return be false or not, on an issue joined by the parties under the direction of the court, and if the jury so empanelled, find against such sheriff, coroner or other officer, judgment shall be entered for the sum aforesaid, against such sheriff, coroner or other officer, his and their sureties, with double costs, and the clerk shall endorse on the execution issuing thereon, that no security of any kind is to be taken.

*Sec. 6. And be it further enacted, That if any sheriff, coroner or other officer, shall fail to return any execution to him or them directed on the return day thereof, the plaintiff in the execution may recover judgment against such sheriff, coroner or other officer, and his and their sureties, for the amount of such execution, with five per cent. damages, by motion before the court to which such execution is returnable, with eight per cent. interest on the same until paid; and the clerk shall endorse on the execution issuing on such judgment, that no security is to be taken: *Provided*, That after any sheriff, coroner or other officer, shall have paid the amount of money and damages recovered as aforesaid, then the original execution shall be vested in such sheriff, coroner or other officer, for his or their benefit: And, *provided also*, That nothing in this section contained, shall be so construed as to affect the remedy already existing against sheriffs or other officers for failing to return executions.*

If sheriff
fail to re-
turn exe-
cution on
return day,
plaintiff
recover
judgment
against
him.

Proviso.



Sec. 7. *And be it further enacted*, That all parts of acts, conflicting with the provisions of this act be, and the same are hereby repealed. Repealing clause.

APPROVED: February 15th, 1828.

CHAP. LXVIII.

AN ACT, further to amend an act, entitled "an act, concerning attorneys and counsellors at law," passed June 25th, 1822.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened*, That hereafter no person shall be licensed to practise law within this state, until he shall produce satisfactory evidence, that he has regularly studied his profession for the term of two years, in the office or under the direction of some respectable lawyer or judge; that he has attained the age of twenty-one years; is a man of good moral character, and has resided within this state six months preceding his application. Applicant for license to produce evidence of having regularly studied.

Sec. 2. *And be it further enacted*, That no license shall be granted, except at the regular terms of the supreme court: *Provided, however*, That this act shall not extend to exclude lawyers resident in coterminous states from practising within this state, under the same restrictions that lawyers resident in this state are permitted to practise in such coterminous states. No license to be granted except at regular terms.

APPROVED: February 14th, 1828.

CHAP. LXIX.

AN ACT, to amend the several acts, relative to the public revenue.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the public revenue for this, and every succeeding year, shall be assessed, levied, and collected in the same manner, and at the same rate as is by law provided, except as hereinafter provided:—that is to say: there shall be assessed and collected on*

Rates of
taxation.

each white male, above the age of twenty-one years, and under the age of fifty years, the sum of fifty cents; on each slave, the sum of sixty-two and a half cents, and on each pleasure carriage, according to the valuation, the sum of one dollar on every hundred dollars value thereof, and the sum of five hundred dollars on each billiard table set for play.

Sec. 4. *And be it further enacted, That instead of the amounts heretofore required to be paid for license to hawk and peddle within this state, the following shall be the rates of such license, to wit: The amount to be paid for a li-*

Amount
of license
to peddle.

cence to convey merchandize on foot, shall be twenty dollars; the amount to be paid for a license to convey merchandize on a horse, or other beast of burden, shall be forty dollars; the amount to be paid for a license to convey merchandize in a two wheel carriage, shall be seventy-five dollars; and the amount to be paid for a license to convey merchandize in a four wheel carriage, shall be one hundred dollars, to be paid as is by law now directed.

APPROVED: February 16th, 1828.

CHAP. LXX.

AN ACT, to revive and amend "an act, to establish a certain turnpike, therein named."

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That the act, entitled "an act, to establish a certain turnpike, therein named" be, and the same is hereby revived, except so much thereof, as provides, that the subscription shall be opened under the superintendence of certain persons therein named; and except also, the eighth section of said act. Reviving clause.

Sec. 2. *And be it further enacted,* That the subscription to the stock contemplated in the act which this revives and amends, shall be opened as soon as may be after the passage of this act, under the superintendence of Daniel Vertner, William R. McAlpine, William Bridges, B. Hughs, G. Lake, D. D. Downing, J. G. Clarke, E. Ogden, G. W. Humphreys, Edward Brashears and C. Haring. Subscription to be opened.

Sec. 3. *And be it further enacted,* That the president, directors and company, provided for in the act which this revives and amends, are hereby authorized to have a bridge built across the Bayou-Pierre, at or near the place the said turnpike crosses, which shall be subject to the same laws and regulations, and the owner or owners, entitled to take and receive the same toll for passage over the same, as is allowed Thomas Going, in a law passed 6th February, 1819, authorizing him to erect a bridge across the south fork of Bayou Pierre, at Port-Gibson: *Provided,* That the owner or owners of the land fixed for the site of said bridge, shall have the privilege of build- President, directors, and company to have bridge built across Bayou Pierre

ing the same, and receiving the emoluments; and if he fails or neglects to undertake and complete the same, within a reasonable time, then, and in that case, the president and directors aforesaid, may proceed to cause a bridge to be built, as is *Proviso.* contemplated by this act, allowing to the owner or owners of the land, such compensation as may be awarded him by three disinterested freeholders, to be chosen, one by the owner or owners of the land, one by the corporation, and the other by the two thus appointed:

APPROVED: February 12th, 1828.

CHAP. LXXI.

AN ACT, to amend the several acts prescribing the duties of auditor and treasurer of this state.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That all elections for auditor of public accounts, and treasurer of this state, shall not hereafter take place until the chairman of the committee of accounts shall have reported to their respective houses: Provided, that the offices of auditor and treasurer shall not be vacated in consequence of the necessary delay arising from the postponement of the election of said officers, until the report of the committee of accounts is received, in each and every year; and no person shall be eligible to a re-election to either of those offices, who shall not have made a complete report of the fiscal concerns of the state, on or before that day.

Election of auditor and treasurer not to take place until after committee of accounts shall have reported.



Sec. 2. *And be it further enacted*, That on the morning of the third Monday in the session, in each and every year, it shall be the duty of the chairman of the committee of accounts, of each house of the General Assembly, to offer their reports to their respective houses; and, if either of the chairmen fail herein, it shall be the duty of the President of the Senate, or Speaker of the House of Representatives, or either of the two houses, to dismiss the defaulting chairman, and to appoint another chairman in lieu thereof.

At what
time chair-
man of
committee
shall re-
port.

APPROVED, February 14th, 1828.

CHAP. LXXII.

AN ACT, to make valid the official acts of William Dougherty.

WHEREAS, it hath appeared to the General Assembly, that William Dougherty, late a justice of the peace in and for Adams county, at the March term, eighteen hundred and twenty-five, of the county court of said county, was duly nominated and recommended as a justice of the peace for said county; and, from a misapprehension of the law, hath proceeded to do and perform many official acts without obtaining a commission; and whereas, it is thought proper that the rights of others should not be affected by acts done in good faith; Therefore,

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened*, That all the official acts of the said William Dougherty, done and performed by him since the date of the recom-

mendation of the said county court, and which it would have been lawful for him to do and perform, had he been duly commissioned and sworn as a justice of the peace, be and the same are hereby declared to be lawful and valid, to all intents and purposes whatsoever.

APPROVED: February 11th, 1828.

CHAP. LXXIII.

AN ACT, to prevent frauds at elections.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That whenever any person shall desire to contest the election of any sheriff or coroner returned as elected, in any county in this state, he shall file his petition in writing in the clerk's office of the circuit court of the county in which such contest shall arise, which petition shall contain the charges and specifications upon which such election is contested, and the clerk of said court shall thereupon, issue a summons to the person whose election is thus contested, returnable to the next succeeding term of the court, to appear and shew cause against such petition, which summons shall be served as in other cases; and the said circuit court, shall at the next succeeding term after such election, upon issue joined, under the direction of the court, upon the charges and specifications contained in such petition, proceed to empanel a jury, and try and determine the same: Provided, The said sum,*

Manner
of contest
ing the e-
lection of
sheriff or
coroner.

mons shall have been served ten days before such term.

Sec. 2. *And be it further enacted,* That the jury empannelled in such case shall be sworn, well and truly to try the issue joined between the parties, and shall render a verdict, specifying the person who had the greatest number of legal votes at such election, which verdict shall be entered upon the minutes of the court, and in case the jury shall find against the officer returned as elected, the clerk of said court shall, thereupon, after the end of the term of said court, issue a certificate to the person who shall have been found to have had the greatest number of votes; and such person shall thereupon, be commissioned by the governor as sheriff or coroner, as the case may be, of said county, upon his complying with the laws in relation to such office.

Sec. 3. *And be it further enacted,* That in all cases of contested elections under this act, each party shall be entitled to ten peremptory challenges. Jury sworn to try the issue joined between the parties

APPROVED: February 14th, 1828.

CHAP. LXXIV.

AN ACT, regulating the manner of removing stock out of the county of Jackson.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That hereafter, it shall be lawful for any person or persons to transport any cattle by water, out of the county of Manner of removing stock out of Jackson county.

Jackson, under the following restrictions, to wit: The person or persons so wishing to remove such cattle, shall first make a certificate under oath, containing the name and master of the vessel in which such transportation shall be made, together with the number, marks and brands of the said cattle, and file the same in the office of the nearest justice of the peace; having done which, such person or persons shall be authorized to transport such cattle as aforesaid; any law to the contrary notwithstanding.

Sec. 2. *And be it further enacted,* That if such person or persons shall knowingly make a false certificate, and being thereof convicted, shall be deemed guilty of wilful and corrupt perjury, and shall suffer all the pains and penalties prescribed by law for such offence.

APPROVED: February 7th, 1828.

CHAP. LXXV.

AN ACT, to run and establish the dividing line between the counties of Warren, Washington and Yazoo.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That James Bland and Henry Bone, of the county of Warren, and Marcus Pierce, of the county of Yazoo, be, and they are hereby appointed commissioners, to superintend the running and establishing of the dividing line between the counties of Warren and Yazoo.

Sec. 2. *And be it further enacted,* That said commissioners be, and they are hereby authorized

and empowered, to employ a suitable surveyor, two chain carriers, and one marker, to complete the aforesaid line, agreeably to the provisions of an act, entitled "an act, farther to extend the limits of Warren county," approved January 20th, 1823.

To employ surveyor and others.

Sec. 3. *And be it further enacted,* That the said commissioners shall each be allowed two dollars per day, for each and every day they may be employed in running and establishing said line; and that said surveyor, chain carriers and marker, shall be entitled to receive the same compensation as is by law allowed to county surveyors, chain carriers and markers; an equal moiety thereof, to be paid by each county respectively, upon satisfactory shewing to the county court thereof, that the said line has been run and established, agreeably to the provisions of this act.

Their compensation.

Sec. 4. *And be it further enacted,* That the dividing line between the counties of Warren and Washington, shall begin on the east bank of the Mississippi river, at the upper end of the plantation of Nerry Henly, and run so as to intersect the line between the counties of Warren and Yazoo, where the same strikes the Yazoo river.

Point at which the dividing line between Warren & Washington counties shall begin.

Sec. 5. *And be it further enacted,* That the county courts of the counties of Warren and Washington, shall appoint four commissioners, two from each of said counties, to run and mark said line; who shall receive the sum of three dollars per day, for each and every day they may be engaged in running said line, payable out of the county treasury of their respective counties; which allowance shall be made by the county courts aforesaid, on satisfactory evidence that said line has been completed.

County court to appoint commissioners to run said line.

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 Their
 powers.

Sec. 6. *And be it further enacted,* That said commissioners may employ a suitable number of chain carriers, who shall be allowed the same compensation, and in the same manner that the commissioners are to receive compensation.

APPROVED: February 12th, 1828.

CHAP. LXXVI.

AN ACT, to revive and continue in force the provisions of certain acts therein mentioned, concerning the town of Woodville, and for other purposes.

Reviving
 clause.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That all the provisions of an act to establish and incorporate the town of Woodville, in the county of Wilkinson, passed December the ninth, eighteen hundred and eleven, and the act, supplemental to an act, to incorporate the town of Woodville, in Wilkinson county, passed February the third, one thousand eight hundred and eighteen; and also, an act, to repeal so much of an act, as relates to Woodville, entitled an act, to repeal the several acts, incorporating the towns of Woodville and Winchester, passed June the twenty-ninth, one thousand eight hundred and twenty-two, shall be, and the same is hereby revived and be considered in full force until otherwise directed by law.

Time of
 holding e-
 lection.

Sec. 2. *And be it further enacted,* That the first election of commissioners contemplated by the said act, shall be held on the first Monday of March next, and thereafter on the first Monday

of January in each and every year, as provided for by said act.

Sec. 3. *And be it further enacted*, That all customs, acts, and parts of acts, coming within the purview and meaning of this act shall be, and the same are hereby repealed. Repealing clause,

APPROVED: February 11th, 1828.

CHAP. LXXVII.

AN ACT, to incorporate the Natchez Theatrical Society.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened*, That Peter M. Lapice, Adam L. Bingaman, John Ruth, Daniel T. Lillee, Samuel Postlethwaite, Stephen Duncan, John A. Quitman, George D. Banks, David Knox, Sturges Sprague, and all others who now are, or shall hereafter become subscribers to the stock for erecting a public theatre in the city of Natchez, and their successors be, and they are hereby constituted a body politic and corporate, in fact and name, by the style of the president, managers and company of the Natchez Theatre; and by that name they, and their successors shall have perpetual succession; they shall in their corporate capacity, be capable of suing and being sued, plead and being impleaded in any court either of law or equity, within this state; and of purchasing and holding such lot or lots in the city of Natchez, as may be necessary and convenient for the erection and improvement of the said theatre, and such other tenements as shall be necessa- President and managers of the Natchez theatre constituted a body corporate.

rily appurtenant thereto; and of renting, leasing, releasing, aliening and conveying the same at pleasure, and to receive all donations of what kind soever, to aid in the erection and completion of said theatre; the said corporation shall be capable of holding real and personal property to the amount of fifty thousand dollars, and no more.

Sec. 2. And be it further enacted, That said president, managers and company shall have power to create a stock for said theatre, amounting to not more than fifteen thousand dollars, to be divided into such shares as they may deem necessary, and shall have power to dispose of the same as they may deem fit; but no stockholder, in any case whatsoever, shall be entitled to more than one vote, whether he own one or any number of shares.

Their powers.

Sec. 3. And be it further enacted, That the said president, managers and company, shall have power to make and adopt all such rules, by-laws and regulations, not inconsistent with the constitution and laws of this state, as the said president, managers and company shall deem necessary for the good government of said corporation, and to change the same at their pleasure; they shall also have a common seal, and be allowed to alter the same at pleasure.

Further powers.

APPROVED: February 12th, 1828.

CHAP. LXXVIII.

AN ACT, to ascertain the beginning point and to run the dividing line between the counties of Claiborne and Jefferson

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That Isaac N. Selser and John S. Norris, of Jefferson county, and Thomas W. Cogan and Jeremiah Watson, jr. of Claiborne county, be appointed commissioners to ascertain and establish the beginning point, on the bank of the Mississippi river, of the dividing line between the counties of Jefferson and Claiborne, and from thence to run and mark out said dividing line to the south fork of Bayou Pierre, in pursuance of the course described in the act, entitled an act, to define the boundaries of the several counties of this state, passed the twenty-ninth day of June, eighteen hundred and twenty-two; and that any two (being one from each county) of said commissioners may proceed to the performance of the duties herein enjoined by giving to the others ten days' notice of such intention.

Commissioners appointed to run the dividing line between Jefferson and Claiborne counties.

Sec. 2. *And be it further enacted,* That said commissioners shall be entitled each to three dollars per day, for every day they may be engaged in the services contemplated by this act, and said commissioners may appoint a surveyor, the better to enable them to carry into effect the objects of this act, who shall be entitled to five dollars per day for his services, the expenses so incurred to be paid, one half by the county of Jefferson, and the other half by the county of Claiborne.

Their compensation.

APPROVED: February 8th, 1828.

CHAP. LXXIX.

AN^d ACT, to authorize the road commissioners of Covington county to expend the moneys now in their hands arising from the three per cent. fund in the building of other bridges in said county, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That the board
 Board of road commissioners of Covington county to appropriate money to building a bridge.
of road commissioners, of the county of Covington, be, and they are hereby authorized to appropriate and expend all moneys which may now remain in their hands, of the three per cent. fund, appropriated to said county by an act of the legislature, passed January the thirty-first, one thousand eight hundred and twenty-six, for the purpose of building a bridge over Ocatoma creek, to the erecting of such other bridge or bridges as they may deem most advantageous to said county.

Sec. 2. And be it further enacted, That the board of road commissioners, of Wayne county
 Commissioners of Wayne county to apply money to similar purpose.
be, and they are hereby, authorized to appropriate and expend all moneys which may remain in their hands of the three per cent. fund, appropriated to said county by an act of the legislature, for the purpose of erecting a bridge over Buckatuna and a bridge over Dry creek, to the erection of such other bridge or bridges as they may deem most advantageous to said county.

Sec. 3. And be it further enacted, That the board of road commissioners, of Lawrence county, be, and they are hereby authorized to appropriate and expend all moneys that may now remain in their hands of the three per cent. fund, appropriated to said county by an act of the legislature, passed January the thirty-first, one
 Commissioners of Lawrence county to have bridges built.

thousand eight hundred and twenty-six, for the building two bridges in said county, to the erection of such other bridges, or that they allow the same to the undertaker and builder of the bridge over Silver creek, as an additional compensation, as they may think proper: *Provided*, That nothing in this act shall be so construed, as to make a further requisition upon the three per cent. fund, than is already previously directed.

APPROVED: February 8th, 1828.

CHAP. LXXX.

AN ACT, to provide for laying out and opening a road from the town of Gallatin to the residence of John Obier, in Amite county.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened*, That John Allred, Meshac Mathews and Joel E. Castarphen be, and they are hereby appointed commissioners to lay out a road from the town of Gallatin, in Copiah county, to the residence of John Obier, in Amite county; and the said commissioners shall meet at the town of Gallatin, or at such other place as they may think most proper, for the purpose of carrying the object of this act into effect, on or before the first Monday of May next.

Commis.
sioners ap-
pointed to
lay out a
road from
Gallatin, to
J. Obier's,
in Amite
county.

Sec. 2. *And be it further enacted*, That the said commissioners shall take an oath to perform the duties assigned them by this act, without favour or partiality, and in the manner best calculated to promote the public interest, to the best of

To take
oath.

their knowledge, which oath may be administered by any justice of the peace; and shall then proceed to examine and mark out said road, the nearest and best way, from the said town of Gallatin to the residence of the said Obier.

Sec. 3. And be it further enacted, That the said commissioners shall receive the sum of two dollars per day, for each day they may be engaged in the discharge of the duties assigned them by this act, so soon as the same shall be performed, to be paid out of the county treasuries of the counties of Copiah, Franklin and Amite, in equal proportions, on the warrant of the commissioners, specifying the sum due to each commissioner, and payable by each county.

Their compensation.

To inform board of commissioners that they have laid off said road.

Duty of road commissioners.

Sec. 4. And be it further enacted, That it shall be the duty of the commissioners named in this act, so soon as they have laid out and marked off said road, to inform the boards of road commissioners of the respective counties of Copiah, Franklin and Amite, that they have so laid off and marked out said road, and of the location thereof; and the respective boards of road commissioners shall, immediately after being so notified, lay off said road into precincts, and appoint overseers, and detail hands to open and keep in repair the same; and the overseers and hands, so appointed and detailed, shall be bound to perform the duties thus assigned to them, under such penalties as are prescribed by the general road laws of this state: *Provided,* That the foregoing section shall not be so construed as to oblige the road commissioners of the respective counties mentioned in this act, to assign any hands to said road, which may be indispensably necessary to keep in repair any market road crossing or intersecting the same.

Sec. 5. *And be it further enacted,* That in case either of the above named commissioners should die, refuse to act, or resign, then and in that case, the county court in which such commissioner may reside, shall have power to fill the vacancy which may be occasioned by such death, refusal to act, or resignation.

County court to fill vacancy.

APPROVED: February 13th, 1828.

CHAP. LXXXI.

AN ACT, to amend the thirty eighth and thirty-ninth sections of an act, to establish and organize the supreme court, and to define the powers and jurisdiction thereof.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the reporter of decisions of the supreme court, to deposite in the office of the Secretary of State, fifty copies of each and every volume of cases so by him reported, in full calf binding, to be distributed as is now directed by law.

Duty of reporter of decisions of supreme court.

Sec. 2. *And be it further enacted,* That for the copies so deposited in the office of Secretary of State, the reporter shall be paid out of the treasury of the state, the sum of four dollars per page, for the number of pages contained in one copy of each and every volume; for which sum, the auditor shall issue his warrant, as is directed by the act, to which this is an amendment; and that all acts, and parts of acts, coming within the purview

Compensation of reporter.

and meaning of this act be, and the same are here by repealed.

APPROVED: February 11th, 1828.

CHAP. LXXXII.

AN ACT, for the relief of John Brice.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That the county and probate court of Wilkinson county, be authorized to audit and allow to John Brice, such sum as it may deem just and reasonable, not exceeding the sum of one hundred and thirteen dollars and ninety seven cents, in full for the negro, George, who was sold as a runaway slave, and who afterwards recovered his freedom under the name of Henry, by judgment of the circuit court of said county, May term, 1826; which sum so allowed, shall be paid out of any money in the county treasury of Wilkinson county, not otherwise appropriated.

APPROVED: February 16th, 1828.

CHAP LXXXIII.

AN ACT, entitled an act, to authorize Baker Dulany, administrator with the will annexed, of Benjamin Harrison, deceased, to remove the property of said estate out of this state, into the state of Alabama.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That Baker Dulany, administrator with the will annexed, of Benjamin Harrison, deceased, be, and he is hereby authorized and empowered to remove the property of said estate from the county of Monroe, in this state, to the state of Alabama: Provided, however, that said administrator, has a final settlement with the orphans' court of said county of Monroe, concerning said estate; and furthermore produces to said court, satisfactory evidence from the records of some court in said state of Alabama, that he has taken upon himself in that state, the execution of said last will and testament.*

APPROVED: February 16th, 1828.

CHAP. LXXXIV.

AN ACT, for the relief of Daniel and Angus Morrison.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the sum of two hundred and fifty-four dollars be, and the same is hereby appropriated for the relief of the said Daniel and Angus Morrison, as compensation to them for money and time expended by*

Appropriation for
Daniel and
Angus
Morrison.

them in going to, and returning from Alabama, in pursuit of one Phelps Reed, who had been demanded by the Executive of this state, from the Executive of the state of Alabama, as an offender against the laws of this state.

Auditor to
issue war-
rant.

Sec. 2. *And be it further enacted*, That the auditor of public accounts is hereby authorized and required to issue his warrant on the state treasurer, in favor of the said Daniel and Angus Morrison for the same, payable out of any moneys in the treasury, not otherwise appropriated.

APPROVED: February 16th, 1828.

CHAP. LXXXV.

AN ACT, for the relief of John H. Shanks.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi in General Assembly convened*, That the escheater in and for Jefferson county be, and he is hereby authorized to allow and pay over to John H. Shanks, of Jefferson county, the amount of any just or equitable claims, which the said John H. Shanks may have against the estate of J. Bennet, deceased, whose estate has escheated to this state: *Provided*, That the amount of such claims shall not exceed one hundred and thirty dollars; and, *Provided*, That the claims so allowed shall be paid out of the proceeds of said escheated estate.

APPROVED: February 15th, 1828.

CHAP. LXXXVI.

AN ACT, to authorize the county court of Covington county to levy a special tax.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That the county court of Covington county shall, at the first or some succeeding term, of the county court of said county, after the passage of this act, levy a special tax, for the year eighteen hundred and twenty-eight, not exceeding fifty per cent. on the amount of the state tax of said county, which tax, when collected, shall be paid into the hands of the commissioners appointed to locate a site of justice for said county, to be applied to defraying the expenses of the public buildings of said county.

Sec. 2. *And be it further enacted;* That the collector of taxes shall be allowed the same per centum on the amount by him collected, as is allowed for collecting the state tax.

Sec. 3. *And be it further enacted;* That it shall be the duty of the said collector, to give bond and security, to be approved by the chief justice of said county, and payable to the said chief justice, in the sum of five hundred dollars, conditioned for the faithful performance of the duties required of him by this act.

APPROVED: February 16th. 1828.

CHAP. LXXXVII.

AN ACT, making appropriations to certain persons therein named

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That the following claims be allowed and paid out of any money in the treasury not otherwise appropriated, viz:*

Specific
appropriations.

To William L. Arick, the sum of seventy dollars, for wood and water furnished the General Assembly at their January session, in the year 1826.

To Dillard Collins and Joseph Pierce, each the sum of two hundred dollars, for distributing the laws and journals for the year 1827.

To Wm. W. Calmes, the sum of thirty dollars, for fifteen days attendance, as constable, on the superior court of chancery, western district, at their July term, 1827.

To Wm. Ransom, the sum of eighteen dollars, for nine days attendance, as constable, on the supreme court at their December term, 1827.

To Peter Isler, one hundred and ninety-seven dollars and seventy-two one hundredths, for sixty-nine extra copies of the acts of the General Assembly, 1827, and discount allowed the bank for advancing the amount due him for printing the laws and journals of 1827, and for printing four hundred copies of the Rules of the supreme court.

To Gabriel Felder, the sum of twenty-eight dollars, for three days attendance on the General Assembly, at their January term, 1827, and travelling expenses, as a witness on the part of the

state, against John Philips, judge of probate of Amite county.

To A. B. Saunders, sheriff of Lawrence county, one hundred and ninety-eight dollars and thirty cents, for expenses incurred by him in conveying John Davis, a prisoner, from Natchez to Monticello and back again, by order of the supreme court.

To Richard H. May, jailor of Adams county, the sum of fifty-five dollars and sixty cents, for sustenance of George Tool, a prisoner convicted of assault and battery; and for the sustenance of Joseph Forget, a prisoner committed for a breach of the peace, and discharged by virtue of a writ of habeas corpus, both of whom proved insolvent.

Richard H. May, administrator of the estate of Charles Nafe, deceased, the sum of thirty-four dollars, for seventeen days' attendance of said Nafe, as constable, on the superior court of chancery, at their special term, March 1825.

To Richard H. May, the sum of forty dollars, for twenty days' attendance, as constable, on the superior court of chancery, at their January term, 1827.

To Earl Clapp, the sum of forty-one dollars and fifty cents, for expenses incurred in conveying Thomas Harman, a prisoner under sentence of death, from Natchez to Monticello, by order of the supreme court.

R. L. Throckmorton, Quarter Master General, the sum of three hundred dollars, for two years' services and attention to the public arms.

To H. G. Runnels, Auditor of Public Accounts, the sum of twenty-nine dollars and sixty-one cents, being the amount deducted from his salary for absence from the state.

To Dillard Collins, the sum of ten dollars eighty-seven and a half cents, for repairs done about the state house.

To Stephen Holt, the sum of thirty-six dollars, for his services in examining seminary lands, &c.

To Joseph R. Terry, the sum of two hundred and ninety-nine dollars, for repairs done on and about the state house.

To John Jones, the sum of fifty-one dollars, for services rendered as assistant Sergeant at arms and attendance on committee of inquiry appointed to investigate the conduct of the Honorable Joshua Child, judge of the first judicial district.

To John M. Henderson, the sum of twenty-eight dollars, for copying evidence in the case of H. D. Downs, sheriff of Warren county.

To Francis Greenleaf, the sum of six dollars, for attendance on Superior Court of Chancery, eastern district, as constable, at their August term.

To Willis A. Farris, the sum of twenty-four dollars, for services rendered as clerk to the committee of inquiry, in the case of the honorable J. Child.

To Richard Harrison, the sum of twenty-five dollars, being the amount of an execution charged against him on the Auditor's books, in the case of the state against James R. Marsh.

To William H. Chaille, the sum of two hundred and eighteen dollars and ninety-four and one fourth cents, for stationery furnished the General Assembly at the present session.

To Richard H. May, constable of Adams county, the sum of forty-eight dollars, for thirteen days' attendance on the Circuit Court of Adams county, November term, eighteen hundred and twenty-

seven; and for eleven days' attendance on the Criminal Court of said county, at the January term, 1828.

To John H. Mallary, sergeant-at-arms, one hundred dollars, for travelling expenses in serving summons, &c. in the case of the state, *vs.* John R. Brown, judge of probate of Amite county.

To Dillard Collins, the sum of forty dollars, for extra services as door keeper, during the present session.

To Joseph R. Terry, the sum of fifty dollars, for wood and water furnished the General Assembly the present session.

To John A. Grimbball, secretary of state, the sum of thirty-nine dollars and forty-six cents, for that amount deducted from his salary in 1822.

To James Phillips, the sum of forty-three dollars twelve and one half cents, for stationery, &c. furnished the General Assembly the present session.

To James R. Rutherford, the sum of ten dollars, for four days' attendance on the Superior Court of Chancery, northern district, at the May term, 1827; and two days attendance on said court as constable at the November term, 1827.

To William O. Cook, the sum of two dollars, for two days' attendance on the Superior Court of Chancery, northern district, at the November term, 1827, as constable.

To Hiram Coffee, and Co. the sum of one hundred and fourteen dollars and ninety-five cents, for articles of merchandize furnished the General Assembly at the present session.

To William H. Chaille, the sum of six dollars, for one day's service rendered the Senate at the present session as secretary thereof.

To Peter Isler, the sum of three hundred and sixty-seven dollars, for job printing for the General Assembly during the present session.

To James Cornell, for extra services in facilitating the business of the General Assembly during the present session, the sum of forty dollars.

To the Clerk of the House of Representatives, the sum of one hundred and fifty dollars, for an extra copy of the Journals of the House of Representatives of the present session, furnished the public printer.

To the Secretary of the Senate, one hundred and fifty dollars, for an extra copy of the Journals of the Senate of the present session of the General Assembly.

To David Dickson, the sum of forty-five dollars, for his services as clerk of the committee of investigation of John R. Brown, and making a duplicate of the testimony taken by said committee.

To David Gordon and William Harris, the sum of twenty-five dollars each, for extra services during the present session.

To William S. Lewis, the sum of twenty-five dollars, as reading clerk to the Senate, as extra compensation.

To Joseph Pierce, door keeper to the Senate, for extra services at the present session, the sum of forty dollars.

To Randal Pierce, for his attendance as constable on the superior court of chancery for the eastern district, twenty two dollars.

To Joseph G. Anderson, engrossing clerk to the House of Representative, the sum of twenty-five dollars, for extra services.

To Peter Isler, the sum of sixty-five dollars, for printing three hundred copies of the judiciary

bill, and one hundred copies of the list of acts, passed at the present session.

Sec. 2. *And be it further enacted*, That the sum of fifty dollars be paid out of the literary fund to D. P. Cain, sheriff of Franklin county, being the amount paid by said Cain in two cases of the state against Sterling J. Sexton, an insolvent debtor.

Sec. 3. *And be it further enacted*, That the sum of twenty dollars be paid out of any money in the treasury not otherwise appropriated, to Willis a Farris, for extra services as enrolling clerk for the present session.

Sec. 4. *And be it further enacted*, That the Auditor of Public Accounts be, and he is hereby authorized and required to issue his warrant on the state treasury in favor of the persons in this act named, on the application of said persons.

APPROVED: February 16th, 1828.

CHAP. LXXXVIII.

AN ACT, to prevent the damages which may happen by the firing of woods, marshes and prairies.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened*, That whosoever shall, at any time, wilfully set on fire any woods, marshes or prairies within this state, so as to occasion any loss, damage or injury to any other person, every person so offending, and being thereof legally convicted in the circuit court of the county in which the offence is committed, shall

Penalty
for setting
on fire
woods,
marshes &
prairies.

pay a fine not exceeding five hundred dollars, and not less than fifty dollars; the one half of such fine to be paid into the literary fund, and the other half to the county treasurer, for the use of the county; and any person who shall wilfully set on fire any woods, marshes or prairies, shall be fined in a sum not exceeding one hundred dollars, to be received and paid as aforesaid, although no private injury ensue thereby.

Sec. 2 And be it further enacted, That every person who shall set fire to any wood, marsh or prairie within this state, and thereby occasion any loss, damage or injury to any other person, shall be, and is hereby declared liable to make satisfaction for the same, in an action or actions on the case, to be brought by the party aggrieved, in any court of record within this state, having competent jurisdiction; or, if the party injured shall not demand above fifty dollars for his loss or damage, it shall or may be lawful for such person to apply to any justice of the peace of the county where the offence is committed, who is hereby empowered and required by his warrant, to cause the party offending to be brought before him, or some other justice of the peace of the same county; and, if upon examination it shall appear to the justice, by the testimony of one or more creditable persons, that the defendant is guilty of the charge exhibited against him, then the said justice shall issue his warrant to three householders of the county, commanding them in the presence of the defendant, if he will be present to view the place or thing damaged, or inquire into the loss sustained by the plaintiff, and to certify to the said justice, upon their oath or affirmation, what damage, in their judgment, the plaintiff hath sustained by occasion of

Persons liable to make satisfaction for injury done others by firing woods

How to prosecute is remedy



the premises; and, upon the return of said certificate to the said justice, he is hereby directed to grant execution for the recovery of the said damages, together with costs of prosecution, as is usual in the recovery of debts under fifty dollars.

Sec. 3. *And be it further enacted,* That nothing in this act shall be construed, so as to prevent any person or persons from setting on fire any wild unappropriated domain within this state, whether the same be woods, marsh or prairie, between the first day of February and the first day of May in every year hereafter, or from setting on fire any rubbish, leaves or brush in the farm or plantation of such person or persons, as often as occasion may require, if the same be done without the intention of setting on fire the adjacent woods, marshes or prairies, not owned, possessed or occupied by such person.

At what
time
woods
may be set
on fire.

Sec. 4. *And be it further enacted,* That when any offence shall be committed under this act, by any slave or servant with the knowledge or command of his or her master or mistress; then his or her master or mistress shall be liable for, and bound to pay the fines imposed by this act, and all damages as aforesaid, which payment shall be enforced by execution as in ordinary cases.

Master li-
able to fine
for offence
committed
by servant

Sec. 5. *And be it further enacted,* That when any offence shall be committed against the provisions of this act, by any slave or servant, without the knowledge of his or her master or mistress, and shall be thereof convicted before any justice of the peace, where such offence shall be committed, the said justice shall thereupon sentence such slave or servant to receive thirty-nine lashes on his or her bare back; and any sheriff or constable of the said county, may be required to execute the same.

Servant to
receive
thirty-nine
lashes.

This act
to extend
to certain
counties
only.

Sec. 6. *And be it further enacted*, That the provisions of this act shall only extend to, and be in force in the counties of Hancock, Green, Perry, Wayne and Jones; and all acts and parts of acts, coming within the purview and meaning of this act shall be, and the same are hereby repealed.

APPROVED: February 16th, 1828.

CHAP. LXXXIX.

AN ACT, to amend an act, entitled "an act, to amend the 45th section of the act, entitled an act, to reduce into one the several acts, concerning the establishment, jurisdiction and powers of the superior courts of law," passed 28th June, 1822, and for other purposes.

All actions
at law, ex-
cept real
or mixed
actions,
triable at
first term
of court.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened*, That the first section of the act, to which this is an amendment, shall be so construed and extended, as to make all actions at law, whether sounding in damages merely, or founded on contract, except real and mixed actions, triable at the first term of the court before which such action may be commenced: *Provided*, The declaration in such action shall be filed in the clerk's office at the time of issuing the writ, and the writ be served at least twenty days before the term of the court to which the same is returnable; and, *Provided also*, That the clerk or plaintiff's attorney shall endorse on said writ, that "judgment will be required at the return term."

Sec. 2. *And be it further enacted,* That the second section of the act, to which this is an amendment, be, and the same is hereby repealed; and the fourth section of the act, entitled "an act, for the limitation of actions, and certain proceedings in civil cases, and for preventing frivolous and vexatious suits," passed June 7th, 1822, be and the same is hereby revived.

Repealing
and reviv-
ing clause.

APPROVED: February 16th, 1828.

CHAP. XC.

AN ACT, to authorize and compel discoveries in courts of law, in certain cases.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That from and after the passage of this act, when the parties to any action at law shall reside in the state of Mississippi, the circuit courts of law therein shall be, and the same are hereby vested with full and complete power to compel discoveries in aid of actions at law, depending therein, whenever, by the rules of equity, a discovery would be compelled in a court of chancery, subject to the provisions hereinafter expressed.

Circuit
courts may
compel
discover-
ies in aid
of actions
at law.

Sec. 2. *And be it further enacted,* That whenever an application shall be made for a discovery under the provisions of this act, the party making the same shall embody the facts, in relation to which a discovery shall be prayed, with the reasons for such discovery in the form of a petition, to the court in which such action may be depend-

Party pray-
ing discov-
ery to be
made to
embody
the facts
in form of
petition to
the court

Proceed-
ing there-
on.

ing, substantiated by oath; and the said court, on inspecting the same, shall determine whether a discovery shall be had or not; and if the said court shall determine that a discovery shall be had, the person or persons liable to make the same, shall, forthwith, or at such other time as the said court may direct, make in writing, full and complete discovery, on oath, and deliver the same to the said court, relative to the matter concerning which a discovery shall be ordered; and if the said person or persons be not in attendance on said court, then and in that case a subpoena shall be ordered by the said court, commanding said person or persons to attend the same, forthwith, or at the next succeeding term, as the court shall deem most just; and then and there make the discovery ordered, in manner aforesaid; and if the said person or persons, so by the order of the said court rendered liable to make discovery as aforesaid, on the return of a subpoena duly served, shall neglect or refuse to make the same as by this act is required, the facts stated by said petition, concerning which a discovery was prayed, shall be taken as confessed, and go to the jury as though the same had been admitted by such person or persons under oath.

Appeal
may be
made to
supreme
court.

Sec. 3. *And be it further enacted,* That if any person or persons shall think himself or themselves aggrieved in the order of any such court, for or against a discovery, the same shall and may be reviewed by the supreme court, on appeal taken by either party, under the same provisions and restrictions now required by law in cases of appeal to the supreme court.

Sec. 4. *And be it further enacted,* That any person or persons knowingly making a false state-

ment in the petition required by this act, shall be deemed and held guilty of perjury, and being thereof convicted, shall suffer all the pains and penalties of wilful and corrupt perjury.

Person making false statement guilty of perjury.

Sec. 5. *And be it further enacted*, That a discovery made by one defendant shall not operate against his or her co-defendant or defendants, who shall, on a like discovery, deny the same facts discovered by such defendant.

Discovery made by one defendant not to operate against co-defendant.

APPROVED: February 16th, 1828.

CHAP. XCI.

AN ACT, relative to public printing.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened*, That the public printer be, and he is hereby authorized and required to print one thousand copies of the acts of the present session, on good pica type, of a size of those of the last session, and on like good paper; and he is hereby required to print five hundred copies of the journals of each branch of the General Assembly of the present session, on a neat long primer type, good paper, of a size of those of the last session.

Number of copies of the laws to be printed

Number of journals.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Auditor of Public Accounts, to issue his warrant in favor of the public printer, on the state treasury, for the amount due, according to contract, on the certificate of the secretary of state, that the work has been faithfully executed.

Auditor to issue warrant.

Sec. 3. *And be it further enacted*, That it shall be the duty of the secretary of state, when called on by the public printer, to read the proof sheet

Duty of secretary of state.

of the laws, to prepare correct marginal notes and index to the laws passed at the present and all future sessions of the General Assembly, and deliver the same to the public printer when called for; and it shall be the duty of the said public printer to affix the same to the laws, in the usual form, for which services the secretary of state shall receive, as full compensation, the sum of thirty dollars; and the auditor of public accounts is hereby authorized and required to issue his warrant on the state treasury for said amount, on the certificate of the governor that said services have been performed in a faithful manner.

Further duty. Sec. 4. *And be it further enacted,* That it shall be the duty of the secretary of state, to receive of the public printer the Rules of the supreme and circuit courts, and cause the same to be distributed at the time of distributing the laws and journals of the present session in the manner prescribed by law.

APPROVED: February 15th, 1828.

CHAP. XCII.

AN ACT, to amend an act, entitled "an act, to amend the several acts therein named," passed February 2d, 1827.

President of board of road commissioners of Simpson county to call a special meeting. Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened,* That it shall be the duty of the president of the board of road commissioners of Simpson county, to call a special meeting of said board, on or before the first Monday of May next, for the purpose of carrying into

effect the provisions of the act to which this is an amendment: *Provided*, the provisions of said act shall not be carried into effect at a regular term thereof; at which meeting it shall be the duty of the said commissioners to let the building of the bridge mentioned in the seventh section of the above named act to the lowest bidder, in the manner, and under the regulations provided by said act.

Sec. 2. *And be it further enacted*, That it shall be the duty of the said commissioners to appropriate the sums of money mentioned in the second and sixth sections of the act, to which this is an amendment, on the road leading from Covington county to Vicksburg, mentioned in said act, between Fortner's ferry and the town of Westville. Appropriation to what road applied.

Sec. 3. *And be it further enacted*, That the auditor of public accounts be, and he is hereby authorized and required to issue his warrant on the state treasury for said sums, on the order of the board of road commissioners of Simpson county, or a majority of them, provided that the sum or sums appropriated for the purposes herein mentioned, shall not heretofore have been drawn. Auditor to issue warrant.

Sec. 4. *And be it further enacted*, That it shall be the duty of the said commissioners to appoint one or more overseers on said road, and assign a sufficient number of hands to open so much of said road within the limits of Simpson county, as is not contracted for in the manner prescribed by the third section of the act to which this is an amendment, and to keep the whole of said road, within said county, in good repair for two years thereafter. Commissioners to appoint overseers.

Sec. 5. *And be it further enacted*, That nothing in this act shall be so construed, as to prevent

May the said commissioners from altering or changing
 change of the route of said road between Fortner's ferry and
 route of the route of said road between Fortner's ferry and
 road. Westville, in any manner they may deem most
 advantageous to the inhabitants.

APPROVED: February 15th, 1828.

CHAP. XCIII.

AN ACT, to divide Hinds county, and organize a new county out
 of the same, and for other purposes.

Bound-
 ries of
 Hinds and
 Rankin
 counties.
 Sec. 1. *Be it enacted by the Senate and House
 of Representatives of the State of Mississippi,
 in General Assembly convened, That all that
 portion of Hinds county, lying and being west of
 Pearl river, shall form and constitute the county
 of Hinds; and all that portion of Hinds county,
 east of Pearl river, shall form and constitute the
 county of Rankin, in memory of the late honora-
 ble Christopher Rankin.*

Courts of
 Rankin,
 where
 held.
 Sec. 2. *And be it further enacted, That the
 county, probate and circuit courts of the county of
 Rankin, shall be held at the house of Harry
 Long, until a court house shall be erected, in con-
 formity to the provisions of this act, and then to
 be held at the court house thereof.*

Suits to be
 transfer-
 red to Ran-
 kin county
 Sec. 3. *And be it further enacted, That all
 suits, plaints and actions, which shall be pending
 in the circuit court of Hinds county, at the pas-
 sage of this act, where the defendants reside in
 the county of Rankin, shall be transferred by the
 clerk of the circuit court of Hinds county, to the
 clerk of the circuit court of the county of Rankin,
 in thirty days after the passage of this act, or so*

soon thereafter as a clerk shall be authorized to transact business in the said county of Rankin, and there be acted on in the same manner as though they had originated in said county of Rankin.

Sec. 4. *And be it further enacted*, That the county and circuit courts for the county of Hinds shall continue to be held at Jackson, in said county, until a court house shall be established, as hereinafter provided for in this act. Courts to be held at Jackson.

Sec. 5. *And be it further enacted*, That it shall be the duty of the Governor of this state, so soon as a judge of probate is elected, commissioned and qualified for the county of Rankin, to issue a writ to the said judge of probate, requiring him to hold an election for sheriff and coroner for the said county, at the several places hereinafter provided for holding elections for members of the General Assembly. Governor to issue writ of election for sheriff and coroner.

Sec. 6. *And be it further enacted*, That it shall be the duty of the said probate judge to give at least thirty days' notice of said election; by advertising at four of the most public places in said county of Rankin, and otherwise to conduct the same, in all respects, in conformity to the law of this state regulating elections. Judge of probate to give thirty days' notice.

Sec. 7. *And be it further enacted*, That the county of Rankin shall be entitled to one member in the House of Representatives of this state, to be elected at the time, and in the same manner as prescribed by law for holding elections in the several counties in this state. Rankin co. to have one member.

Sec. 8. *And be it further enacted*, That the county of Rankin shall constitute a separate regiment, to be known and styled as the twenty-sixth regiment of the Mississippi militia, and shall be organized agreeably to the existing militia law of this state, and shall be attached to and compose To constitute 26th regiment.

a part of the third brigade, first division, Mississippi militia.

Commissioners to locate county site for Rankin county.



Sec. 9. *And be it further enacted,* That John Brown, William Steen and Elijah Gentry, are hereby appointed commissioners to fix on a site for a court house and jail for said county, not more than two miles from the centre thereof, and to contract for building the same; and are hereby authorized to receive, by donation or purchase, not more than one eighth section, nor less than twenty acres of land, to be laid off in town lots, as the said commissioners may think most convenient; and to sell the same at public auction, after giving thirty days' notice of such sale in four of the most public places in said county, at a credit of twelve months, the purchasers giving bond with approved security, to the said commissioners; the proceeds of which, when collected by said commissioners, to be applied to the erection of public buildings, if necessary, or for other county purposes.

To contract for building court house and jail.

Sec. 10. *And be it further enacted,* That the aforesaid commissioners, or a majority of them, shall contract for the building of a court house and jail, of such dimensions as they may think proper and convenient for the county aforesaid, by letting the same to the lowest bidder, after giving thirty days' notice in three of the most public places in said county, by advertisement, taking from such person or persons, contracting for the erection of said buildings, bond with such security as they, or a majority of them, may think sufficient, conditioned for the faithful completion of said buildings according to contract.

When county & probate courts held.

Sec. 11. *And be it further enacted,* That the county courts of said county shall be held on the fourth Mondays in March, June, September and December, in each and every year, and to be

holden two days, and no longer; and the courts of probate on the fourth Monday in each and every month, and shall be held one day, and no longer.

Sec. 12. *And be it further enacted, That on the third Saturday of March ensuing, an election shall be held, at the several precincts for holding elections for members to the General Assembly, for five commissioners to fix on a site for a court house and jail for Hinds county, who may locate the same, either at the town of Clinton or within two miles of the centre of said county, and to contract for building the same, who are hereby authorized to receive, by donation or purchase, a quantity of land sufficient for said purposes.*

Commissioners to be elected to locate county site for Hinds county.

Sec. 13. *And be it further enacted, That the special tax authorized to be levied by virtue of this act, shall be assessed by the assessors, and collected by the collectors, in the same manner; and at the same time, as the state tax is assessed and collected for the several counties in this state; and when the said tax shall be collected, it shall be paid over to the commissioners of each county respectively, to be applied as heretofore directed by this act.*

Special tax how collected.

Sec. 14. *And be it further enacted, That the assessor and collector of taxes for the said county of Rankin, shall give bond and security to the presiding justice of the county court of said county, in the penal sum of one thousand dollars, conditioned to comply with this act.*

Collector to give bond.

Sec. 15. *And be it further enacted, That the election precincts for the county of Rankin, shall be at the house of John Graham, at the house of William Steen, and at the house or Harry Long, until the commissioners shall provide a court house for said county, and thereafter at such court house.*

Election precincts in Rankin county.

Repealing
clause.

Sec. 16. *And be it further enacted, That all* acts, and parts of acts, coming within the purview and meaning of this act, be, and the same are hereby repealed.

APPROVED: February 4th, 1828.

CHAP. XCIV.

AN ACT, to amend an act, concerning highways, ferries and bridges.

Suits to be
brought in
name of
the presi-
dent of the
b. d of
road com-
missioners

Sec. 1. *Be it enacted by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That all fines, penalties and forfeitures, accruing and recoverable under the provisions of the act concerning highways, ferries and bridges, passed June twenty-ninth, one thousand eight hundred and twenty-two, shall be sued for and recovered in the name of the president of the board of road commissioners of the proper county, and all such moneys so accruing and recovered, shall be paid into the county treasury.*

Costs to
be paid
out of the
county
treasury.

Sec. 2. *And be it further enacted, That all costs necessarily incurred by overseers, justices of the peace or other officer or officers, in the recovery and collection of fines and forfeitures, accruing as aforesaid, shall be certified by the justice or clerk to the president of the said board, who shall hereafter issue his warrant upon the county treasury for the same: Provided, the said president and board of commissioners shall be of opinion that such allowance ought to be made.*

APPROVED: February 6th, 1828.

CHAP. XCV.

AN ACT, supplemental to an act, entitled "an act, to divide Hinds county, and to organize a new county out of the same, and for other purposes," passed February 5th, 1828.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened,* That the county courts of the counties of Hinds and Rankin, at the first terms of said courts after the passage of this act, or in case they fail, at their next terms, be authorized to levy a special tax, not exceeding fifty per cent. on the state tax, which said tax shall be assessed and collected as directed in the thirteenth section of the act, to which this is a supplement, to be appropriated by the commissioners to fix on the seats of justice for the said counties respectively, to the erection of public buildings.

Sec. 2. *And be it further enacted,* That the clerk of the county and probate court of Hinds county be required to transmit the papers of the county court which should properly belong to Rankin county, to the proper officer of said county, as soon after the passage of this act as may be convenient; and to transmit the papers of the probate court, relating to estates, of which the property is in Rankin county, to the clerk of the probate court of said county, as soon as he may be called on by the proper authority.

Sec. 3. *And be it further enacted,* That the county court of Hinds county be authorized, at their next regular term, to levy a special poor tax for said county, for the year 1828, not exceeding ten per cent. on the state tax, to be collected by the tax collector of said county, and by him paid

over to the order of the commissioners for the poor, for the said county of Hinds.

APPROVED: February 16th, 1828.

CHAP. XCVI.

AN ACT, for the incorporation of the town of Rodney, in the counties of Jefferson and Claiborne.

Sec. 1. Be it enacted by the Senate and House of Representatives of the state of Mississippi in General Assembly convened, That that tract of country in the counties of Jefferson and Claiborne, now called "Petit Gulf," included within the following boundaries, shall hereafter be designated by the name of "Rodney," to wit: Beginning at a point where the Magnolia street strikes the river Mississippi, thence running on a line with said street one mile from the river; thence running one mile in each direction at right angles to said line; thence from the termination of each of said lines at right angles to the Mississippi river, continuing the direction of said lines upon the water of said river, as far as the jurisdiction of the state of Mississippi extends. The landholders, householders and freeholders, and such as hereafter shall have paid a tax, for the special use and benefit of said town, being inhabitants and of three months' residence within the limits of said town, shall on the first day of April next, and on the same day in each succeeding year, at some convenient house in said town, as shall be designated by some justice of the peace of said town, by five days' notice, hold a meeting, to commence at the hour of ten

Limits of the town of Rodney.

o'clock in the forenoon, and close at the hour of
 four o'clock in the afternoon; and then and there
 to elect by ballot and a majority of votes, seven
 selectmen, (a majority of whom shall constitute a
 quorum to do business;) also a town treasurer,
 assessor and collector, to serve for one year;
 which said election at the first time specified,
 shall be conducted by some justice of the peace
 for said town, or other freeholder and inhabitant
 thereof; after which all elections for the purpose
 aforesaid shall be held by any three of the select-
 men, who shall have been in office on the last day
 of March annually, and the said selectmen shall
 on the day next succeeding such election in each
 year, or as soon as may be convenient thereafter,
 meet and choose by ballot, from among their own
 members, a president, who shall, in each year, be
 commissioned by the Governor as a magistrate and
 justice of the peace for said town, to continue in
 office until the 1st Monday in April next thereafter,
 and until a successor shall have been elected and
 commissioned, who shall preside and keep order at
 the meetings of said selectmen; and the said select-
 men are constituted a body politic and corporate
 in fact and in name; by the style of the president
 and selectmen of the town of Rodney, and by
 that name they and their successors in office shall
 have perpetual succession, shall have a common
 seal, which they may alter at pleasure; and they
 and their successors shall be capable in law, to
 purchase, take, receive, hold and enjoy to the use
 of them and their successors, all manner of estate,
 real and personal, to lease, release, sell, alien or
 convey, or otherwise dispose of the same; and by
 the same name and style they and their successors
 shall be persons liable and capable in law of suing

Time of e-
 lecting
 president
 and select-
 men.

Constitut-
 ed a body
 corporate.

Their
 powers.

and being sued, plead and being impleaded in all manner of suits or actions in either law or equity, and to do all other acts incident to bodies corporate. The selectmen at the time of choosing their president in each year, shall also choose a clerk, who shall record, in well bound books kept for that purpose, all orders, rules, ordinances and proceedings; and the said selectmen shall, at the same time or at some subsequent meeting to be held within ten days from the time of their election each year, by ballot, elect from among the freeholders, landholders or householders, residing in said town, not of their own members, a town constable, who shall have equal jurisdiction, within the limits of said town, with other constables of the counties of Jefferson and Claiborne, who, together with the town treasurer, assessor and collector, shall give such bonds and securities, and comply with all such by-laws or ordinances as the president and selectmen shall adopt. The town treasurer shall keep, in well bound books to be provided and kept for that purpose, a particular account of all fines, forfeitures and penalties, as also of all taxes paid into the treasury, and disbursements made by said president and selectmen; and the said books shall be open at all times for the inspection of any three freeholders or householders living in said town; and the said president and selectmen may, at any time they think it expedient, elect a harbour master for carrying into effect such ordinances as they may see fit to make under the authority granted to them by this act. The president and selectmen shall meet for the transaction of business at least once in each month according to their adjournment, and may make such laws, in writing, as to them may appear ex-



pedient, for the good order and government of said town, not inconsistent with the laws and constitution of the United States or of this state—they may impose fines on all who shall offend against the laws made by the president and selectmen, and all such fines and penalties may be demanded and recovered before any justice of the peace of said town, or such courts of record as may have jurisdiction of said sum, in the name of the president and selectmen of the town of Rodney, or him who shall sue for the same, which said fines and penalties shall be paid over by the justice of the peace before whom the same was sued, or the clerk of the court before whom the same was determined, to the town treasurer, who shall give his receipt for the same. All by-laws by the president and selectmen shall be subject to repeal by the legislature. The said president and selectmen may raise by tax in each year, a sum not exceeding thirty-seven and a half cents on every hundred dollars' worth of such property as may be liable to taxation in the limits of said town, agreeably to the plat thereof, as recorded in the probate courts for the counties of Jefferson and Claiborne; and the said president and selectmen may appoint necessary overseers of streets and highways, and they may regulate the working on the same, and exempt the inhabitants of said town or any part thereof, as they may deem proper, from personal labor on said streets and highways; and instead thereof lay a poll tax, not exceeding five dollars per head, on each male person above twenty-one years of age. All male persons above the age of sixteen, and under the age of fifty, residing in the bounds of said town, shall work on the streets and highways thereof;

Their
powers.

in such way as may be prescribed by the said president and selectmen; and persons so working are discharged from working on other roads of the counties of Jefferson and Claiborne. The president and selectmen of said town may pass ordinances for regulating petty groceries and victualling houses, or where fruits, meats or liquors shall be sold, in order to be eaten or drank in said town, and may lay a town tax on every grocery or victualling house, not exceeding ten dollars per year. The president and selectmen may have power to lay a tax not exceeding ten dollars per year on all whole sale or retailing dry good stores. The president and selectmen may from time to time, pass ordinances for protection against fire, regulate the kind and sizes of chimneys; to appoint one or more officers at reasonable terms, to enter in and examine dwelling houses, yards and buildings, in order to discover whether any of them are in a dangerous state, and to cause such as are dangerous to be put in a safe situation; to require the inhabitants, respectively, to provide such and so many fire buckets as may be deemed necessary. To make all such by-laws for the good order and government of said town as the said president and selectmen may deem expedient, and not repugnant to the laws and constitution of this state or of the United States; to regulate the running at large of swine and cattle; to regulate the size and quality of bread, and to provide for the forfeiture and seizure of bread baked contrary thereto; to regulate the market, and to restrain and punish forestalling; to regulate the paving and flagging of side walks, and setting out shade trees by the side of the same; to regulate and arrange with uniformity

such buildings as shall be erected; to inflict penalties on any person who shall violate any by-law or laws, not exceeding fifty dollars for any one offence, recoverable with costs, in the name and manner provided for by this act, before the town magistrate, or before any justice of the peace within said town, in which action the first process may be by warrant returnable forthwith; and there shall be no stay of execution after judgment, saving the right to appeal to the president and selectmen; and nothing herein contained shall be construed to prevent appeals to the circuit courts in the same manner that is or may be prescribed in cases of appeals from the judgment of justices of the peace. In case of death, resignation or removal of any of the selectmen, it shall be the duty of the president or any two of the selectmen, to call a meeting of the electors of said town, by giving five days' public notice thereof, for filling such vacancy. If the inhabitants of said town shall fail, in any year at the time prescribed, to elect the selectmen, any one of the selectmen of said town for the preceding year may call a meeting of the voters of said town, for the purpose of electing selectmen of said town for that year, by giving five days' notice; or if such selectmen fail to call such meeting, any justice of the peace residing within the limits of said town may do so, by giving like notice; and the selectmen, so elected, shall have all the powers and privileges they would have had if they had been elected at the time prescribed by this act. The president and selectmen may, from time to time, pass such ordinances as they may deem proper, under the restriction of this act, for taxing stage players, mountebanks and exhibitors of public shows, not exceeding five dollars for each exhibition, for

Further
powers.

taxing steam-boats for wharfage or landing, not exceeding two dollars per day for each and every day they may remain within the limits of said town, and not exceeding one dollar per time for each and every time a steam boat may land within the jurisdiction of said town, and not exceeding one dollar per day for each and every day any flat boat shall remain at the landing of said town. The president and selectmen may make such by-laws for the removal of empty boats from the landing, as they may deem proper; to pass laws, rules and regulations for filling up ditches, slues, water courses and hollows, together with all other laws and ordinances for the health, comfort, good order and regulations of said town, not contrary to the restrictions contained in this act.

APPROVED: February 13th, 1828.

CHAP. XCVII.

RESOLUTIONS relative to the establishment of Branch Banks.

WHEREAS, the local situation of the town of Vicksburg is such, as to render it the only suitable place of depot for a large portion of the northern part of the state with which its extensive commercial intercourse is immediately connected, and it is important for the citizens of said town, as well as of adjoining country, that a Branch of the Bank of the state of Mississippi should be there established, without which they must continue to labour under the many disad-

vantages to which they have heretofore been subjected in procuring money from the Bank for their immediate purposes; *And whereas*, we believe it was the intention of the General Assembly at the time the mother Bank was incorporated, that the president and directors thereof, should establish Branches in the different parts of the state, as the necessities of the people might require; and as we believe it essentially necessary for the interests of the people, that a Branch should be immediately established at Vicksburg: Therefore—

Be it resolved by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That we do recommend and request the president, directors and company of the Bank of the state of Mississippi, to establish a Branch of said Bank at the town of Vicksburg, as soon as the same can be done under regulations similar to those prescribed for the government of its other branches; and, *Whereas*, It appears to this General Assembly, from a petition signed by a large number of citizens of Monroe county, that they are desirous that a branch of said Bank should also be established in said county; and as it also appears from said petition, that much good would result to the citizens of said county, as well as profit to the institution from the establishment of such branch: Therefore—

Be it further resolved, That we do recommend and request the president, directors and company of said Bank, to establish a branch thereof, in the town of Columbus in said county, as soon as the same can be done, under regulations similar to those prescribed for the government of its other branches.

And be it further resolved, That the Governor

of this state be requested to forward the foregoing preamble and resolutions to said president, directors and company, and request their compliance with the same.

APPROVED: February 11th, 1828.

CHAP. XCVIII.

A RESOLUTION, to confirm the decree of the court of chancery of the western district of the state of Mississippi, made at January term, 1827, dissolving the bonds of matrimony between Sally Prior and William Prior.

Be it resolved by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, (Two-thirds of both houses concurring therein,) that the decree of the court of chancery, for the western district of the state of Mississippi, made at the January term, 1827, dissolving the bonds of matrimony between Sally Prior and William Prior, be, and the same is hereby confirmed.

APPROVED: February 1st, 1828.

CHAP. XCIX.

A RESOLUTION, to dissolve the bonds of matrimony heretofore existing between Thomas Maples and Pheriby Maples.

WHEREAS, at the late November term of the superior court of chancery for the northern district, the Honorable Joshua G. Clark, then and

there presiding as chancellor, made the following order, viz:

Thomas Maples, *vs.* Pheriby Maples.

It is ordered, adjudged and decreed, that the bonds of matrimony heretofore subsisting between the complainant and defendant, be dissolved—Therefore:

Be it resolved by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, (two-thirds of both houses concurring therein,) that the decree aforesaid be sanctioned, and that the bonds of matrimony heretofore subsisting between the said Thomas Maples and Pheriby Maples be, and the same are hereby wholly dissolved, and forever annulled.

APPROVED: February 4th, 1828.

CHAP. C.

A RESOLUTION for the relief of Samuel Stamps.

WHEREAS, the term for which the late incumbent of the office of county treasurer for Lawrence county expired on the 28th day of September last, which will appear from a certificate of the secretary of state, and no appointment having since been made—*And whereas*, Samuel Stamps, assessor and collector for said county, from this circumstance has been prevented from accounting with, and obtaining the necessary certificates from the county treasurer, that he has paid into the treasury of the county, all county taxes, for which he was bound to account—Therefore:

Be it resolved by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That the Governor be, and he is hereby authorized, at his discretion, to re-appoint Samuel Stamps assessor and collector for the county of Lawrence, any law to the contrary notwithstanding.

APPROVED: February 1st, 1828.

CHAP. VI.

A RESOLUTION, to authorize the Governor to subscribe for bank stock.

Resolved by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That the Governor of the state of Mississippi, for the time being, be, and he is hereby authorized and empowered to vest the money belonging to the literary fund, in stock of the bank of the state of Mississippi, as it may be received, by subscribing for the same; which, when so subscribed for, shall be considered a part of the stock reserved to the state in the charter of said bank, and be set apart for the use and benefit of the literary fund.

And be it further resolved, That the Governor is also authorized and empowered to subscribe thirty thousand dollars out of the state treasury, in the stock aforesaid, for the use and benefit of the state: Provided also, that after the subscription of the said sum, if the treasury should be incompetent to the discharge of the expenses of the current year, the Governor is hereby authorized,

When the necessity occurs, to meet the exigency by obtaining from the bank of the state of Mississippi, a loan sufficient for said purpose.

APPROVED: February 13th, 1828,

CHAP. CII.

A RESOLUTION, relative to the United States' corps of engineers.

Resolved by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That our senators in Congress be instructed, and our representative be requested to represent to the president of the United States, the importance of employing a part of the United States' corps of engineers, to examine and make surveys of the navigable rivers and bayous within the limits of this state, and to report the best and most economical means of improving the navigation of the same.

APPROVED: February 14th, 1828.

CHAP. CIII.

A RESOLUTION, relative to internal improvement.

WHEREAS, it has been represented to this General Assembly, that there exists at the distance of thirty or forty miles below the Chickasaw Bluffs, an outlet to the waters of the Mississippi river, which passes through a channel of sufficient capa-



city for flat boat and keel boat navigation, strikes the Yazoo river at about two hundred and fifty miles above its junction with the Mississippi; and which channel or outlet, 'tis stated and believed, contains in its bed certain obstructions that admit of easy removal; and whereas 'tis evident to this General Assembly, that should a communication between these two rivers of the above character exist, the commerce of the western country to any extent, might thereby be thrown into the interior of this state, adding greatly to the wealth and commercial conveniences of the central parts thereof, and to the general wealth and resources of the whole—Therefore:

Be it resolved by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That the sum of three hundred dollars, out of any moneys in the treasury not otherwise appropriated, be, and the same is hereby placed in the hands of his Excellency, the Governor; whose duty it shall be to employ a suitable person to explore and survey said pass or bayou, and report thereon to this General Assembly at its next session, for its use and consideration.

APPROVED: February 13th, 1828.

CHAP. CIV.

A RESOLUTION, making it the duty of the auditor of public accounts to contract for stationery.

Resolved by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the auditor of public accounts be required to contract with some fit person to supply the General Assembly with stationery, for each and every year, on such terms as he may deem expedient.

APPROVED: February 14th, 1828.

CHAP. CV.

A RESOLUTION, for the relief of assessors.

WHEREAS, the assessors were required, under an act of 1827, to make an extra assessment on the *ad valorem* principle, and the law being wholly inefficient; Therefore,

Be it resolved by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the assessors be, and they are hereby released from all liability they may have incurred on account of the failing in making such extra assessment.

APPROVED: February 12th, 1828.

CHAP. CVI.

A RESOLUTION, to grant leave of absence to the Hon. Joshua Child.

Sec. 1. *Be it resolved by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That Joshua Child, judge of the first judicial district, have leave of absence from this state, for and during the interval of time between the termination of the next session of the supreme court, and the commencement of the circuit courts in September following.*

APPROVED: February 12th, 1828.

CHAP. CVII.

A RESOLUTION, to dissolve the bonds of matrimony heretofore subsisting between Sarah G. Rowan and Beal B. Rowan.

WHEREAS, at the January term of the superior court of chancery for the western district, held at Natchez, the chancellor did order, adjudge and decree that the bonds of matrimony heretofore subsisting between Sarah G. Rowan and Beal B. Rowan be dissolved:

Be it therefore resolved by the Senate and House of Representatives of the state of Mississippi in General Assembly convened, (two thirds of both Houses concurring therein) That the bonds of matrimony heretofore subsisting between Sarah G. Rowan and Beal B. Rowan be, and the same are hereby dissolved, and the decree of the chancellor therein ratified and confirmed.

APPROVED: February 6th, 1828.

CHAP. CVIII.

A RESOLUTION, for the relief of Joseph I. Scott.

WHEREAS, it appears from a statement certified by the auditor of public accounts. that Joseph I. Scott, late assessor and collector of Wilkinson county, has paid into the state treasury three hundred and ninety dollars and thirty-one and a fourth cents, over and above what was due from him as collector, and there being no way by which he can obtain the same, except by legislative interference—Therefore:

Be it resolved by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That the auditor of public accounts be, and he is hereby authorized and required to issue his warrant in favour of the said Joseph I. Scott, for the sum of three hundred and ninety dollars and thirty-one and a fourth cents, which shall be paid out of any moneys in the state treasury, not otherwise appropriated.

APPROVED: February 7th, 1828.

CHAP. CIX.

A RESOLUTION, to sanction the decree of the chancellor, dissolving the bonds of matrimony between Elizabeth O. Kean and Thomas Kean.

WHEREAS, at the last January term of the chancery court of the western district, the chancellor did order, adjudge and decree, that the bonds of matrimony heretofore existing between Elizabeth O. Kean and Thomas Kean, be dissolved; and it

appearing to the General Assembly, that the said decree accords with the principles of law and equity:

Therefore, be it resolved by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, (two-thirds of both branches concurring therein,) That the aforesaid decree of the chancellor be sanctioned, and that the bonds of matrimony heretofore existing between Elizabeth O. Kean and Thomas Kean be, and the same are hereby wholly dissolved and annulled.

APPROVED: February 13th, 1828.

CHAP. CX.

A RESOLUTION, to dissolve the bonds of matrimony heretofore subsisting between Richard C. Langdon and Keziah Langdon.

WHEREAS, the chancellor in and for the state of Mississippi, at a superior court of chancery, held for the western district, did, on the second Monday of July last, adjudge and deem, that the marriage subsisting between Richard C. Langdon and Keziah Langdon be dissolved—Therefore:

Be it resolved by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, (two-thirds of both houses concurring therein, that the above recited decree be confirmed and ratified; and that the said marriage, subsisting as aforesaid be, and the same is hereby declared null and void.

APPROVED, February 11th, 1828.

CHAP. CXI.

A RESOLUTION, remonstrating against the introduction of a Branch Bank of the United States within the limits of this state.

Resolved by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the location of a branch of the United States' Bank, within the limits of this state, would be inexpedient, impolitic and injurious to the financial resources of the state.

And be it further resolved, That the real and personal property of non-residents, either in a personal or corporate capacity, as matter of right, ought to be taxable in the same ratio as property of the same description owned by the citizens of this state.

And be it further resolved, That the Governor of this state be requested to transmit a copy of the foregoing resolutions to the president and directors of the United States' Bank.

APPROVED: February 12th, 1828.

CHAP. CXII.

MEMORIAL to Congress, praying extension of the time of payment for lands.

To the Honorable the Senate and House of Representatives of the United States, in Congress Assembled:

The memorial of the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, respectfully sheweth: That a great quantity of the lands owned by

• individuals in many counties of this state, was purchased from the United States, under the provisions of the acts of Congress, as they existed prior to the second of March, eighteen hundred and twenty-one; at that time there was a large debt due from the citizens of this state to the United States for lands purchased, and by an act of Congress of that date, provisions were made for extending the time of payment to such as were indebted to the United States for lands purchased prior to the first day of July, eighteen hundred and twenty; many of our citizens availed themselves of the lenient provisions of that act of Congress, according to the terms therein prescribed, and consequently there still remains unpaid a large debt from such as had made but one payment on lands purchased previous to the first day of July, eighteen hundred and twenty. By the laws of the United States, as they existed before the passage of the above mentioned act, purchasers of public lands were only bound to pay one fourth part of the purchase money at the time of entering of the same, and the balance in three equal annual instalments, and a forfeiture could not take place until the last payment became due; the majority of purchasers were not prepared to make the respective payments as they became due, but were compelled to depend on securing their lands, ultimately, by paying all the instalments at the time the last fell due. This time had not arrived with very many purchasers, when there were liberal and beneficial provisions of the act of Congress of the second of March, eighteen hundred and twenty-one came in to their relief. By the provisions of that act, purchasers, prior to the first

day of July, eighteen hundred and twenty, were arranged into three different classes; the first class included all such persons as had paid only one fourth part of the original price of the land by them respectively purchased; the second class included all such persons as had paid only the one half of the original price; the third class includes all such persons as had paid three-fourths of the original price; the debt due from purchasers of the first class was to have been paid in eight equal annual instalments, the first of which fell due on the thirty-first day of March, eighteen hundred and twenty-two; the debt due from purchasers of the second class was to have been paid in six equal annual instalments, the first of which fell due on the thirty-first day of December, eighteen hundred twenty-one; and the debt due from purchasers of the third class was to have been paid in four equal annual instalments, the first of which fell due on the thirtieth day of September, eighteen hundred and twenty-one. By a provision of the same act, a forfeiture of the land purchased, could not take place until three months after the last instalment fell due; the first of these classes included by far the greatest number of purchasers; as but few of them, intended to be relieved by the act of the second of March, eighteen hundred and twenty-one, had paid more than one fourth part of the original price of the land by them purchased since the passage of that act; few, or perhaps none of the purchasers of the first class have made any of the several annual payments as they respectively fell due, consequently a much larger sum of money remains due from this class of purchasers than has been paid by either of the other classes; and although the debt due from purchasers of the second

and third classes was comparatively small, yet Congress, by the acts of the twenty-sixth of May, eighteen hundred and twenty-four, and the fourth of May, eighteen hundred and twenty-six, extended the time of payments to these classes, together with a remission of all interest that had accrued on the several instalments which had not been paid, and a discount of thirty-seven and a half per cent. on cash payments, which enabled them to liquidate their debts, and prevent a forfeiture of their lands. From these provisions much good resulted to many citizens of this state, and without them no doubt many must have suffered themselves to have been deprived of their homes by a forfeiture of their lands. But the time granted by Congress to those classes for making payments, having elapsed, which payments have been completed with very few exceptions; it is the purchasers of the first class that now require relief, and we are confidently led to hope and expect the relief prayed for will be extended to them, as well from the particular and pressing exigencies which render it necessary for them to ask it, as from the liberal policy which has been pursued by the general government towards the purchasers of the two other classes. Taking into view the reasons which actuated the general government to adopt this policy, and the many benefits which resulted from it, we were almost induced to consider as a matter of right, that it should likewise be extended to that class of purchasers which forms the subject of the present memorial. Although the moneys arising from the sales of public lands make an important branch of the revenue of the United States, yet we are induced to hope and believe that the delay arising from the extension of the time of payments for these lands would not so

materially affect that department of the government, as to render it impolitic for the Congress of the United States to adopt this measure. The reasons which induced Congress to grant further time for payment to purchasers of the second and third classes, now exist in a much greater degree, and urge with peculiar force the necessity for extending the same liberality to the purchasers of the first class. Where land has not been paid for, most of the purchasers of this class are of the poorer people, who are dependent alone on the income arising from their manual labor bestowed upon their small farms; and such is now their embarrassed situation, that without the interposition of Congress, many of them will be wholly unable to extinguish the debts due for their lands. The continued decreased prices of agricultural products in our state, which have for some time prevailed, and which are likely to continue, have produced a general pressure, seldom equalled; from which industry and the strictest economy can relieve the people.

Your memorialists, therefore, pray that a law may be passed, giving to purchasers of the first class, further time than that already limited, to make their payments for lands purchased prior to the first day of July, eighteen hundred and twenty. They also pray a remission of all interest due on the several instalments, and such a deduction from the original price as may seem just. By such provisions those indebted to the United States, will, no doubt, be able to make their payments, and save their lands from forfeiture; but without them, your memorialists are apprehensive that many will be compelled to abandon their homes and seek new ones in the forests; and

your memorialists, as in duty bound, will ever pray, &c.

Therefore, be it resolved by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That the foregoing memorial be transmitted to our Senators in Congress, and that they be instructed, and our Representative requested to use their exertion to obtain the passage of a law to effect the object prayed for by said memorial.

APPROVED: February 1st, 1828.

CHAP. CXIII.

A MEMORIAL to Congress, praying a donation of one hundred and sixty acres of land to the county of Washington.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress Assembled:

The memorial of the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, respectfully sheweth; That the General Assembly of this state, at the last session, did establish and organize an additional county by the name of Washington, on the Mississippi river, above the mouth of the Yazoo river, in that part of this state lately ceded by the Chock-taw Indians to the United States. That part of the land in said county is fertile, and now rapidly settling; but by far the greatest portion of said county is an immense swamp, which is not susceptible of settlement or cultivation, and subject

to annual inundations by the floods of the Mississippi. A very small quantity of the land in said county has, as yet, been surveyed; and from its peculiar situation, it may be a considerable time before the survey of the balance can be completed. The survey that has been made is in the lower part of the county, remote from a suitable place for the location of a seat of justice for the same; hence, it is impossible that a seat of justice for the county can be located, or public buildings erected with any degree of propriety, as the land on which they must be necessarily situated, has not yet been surveyed, and the county must continue to labor under this inconvenience, until relieved by your honorable body. Your memorialists therefore pray, that a donation of one hundred and sixty acres of land may be made to said county, for the purposes aforesaid, at such place as may be selected for the seat of justice. And your memorialists, as in duty bound, will ever pray, &c. Therefore:

Be it resolved by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That our senators in Congress be instructed, and our representative requested to effect the object prayed for in the foregoing memorial.

And be it further resolved, That the Governor of this state be requested to forward the foregoing memorial and resolution to our senators and representative in Congress.

APPROVED: February 12th, 1828.

CHAP. CXIV.

A MEMORIAL to the Congress of the United States.

**To the Honorable the Senate and House
of Representatives of the United
States of America, in Congress As-
sembled:**

The memorial of the General Assembly of the state of Mississippi, respectfully represents; That a large portion of the most valuable territory within the chartered limits of this state, is occupied by savage tribes, interspersed with disorderly whites, whose vicious and intemperate habits give the example, and afford the facility of indulging in intoxicating liquors, a practice rapidly extinguishing their numbers, and entirely hostile to the progress of civilization. Your memorialists therefore, respectfully suggest, that the removal of the aforesaid white persons by general government, and a judicious selection of commissioners to treat with these nations for their lands, would obviate most of the difficulties which have heretofore opposed themselves to the acquirement of the Indian lands; with these advantages we should be able, easily to produce on the minds of the most intelligent amongst them, a full conviction, that their true interest, can only be found in their removal to a region more congenial to their nature, and remote from the influence of vicious example, at the same time that civilization might advance uninterruptedly, and their permanent interest be secured, by applying part of the proceeds of the sale of their lands, to the establishment of primary schools; the annual supply of

implements of husbandry, and other conveniences of civilized life. Therefore, from the philanthropic feeling of your honorable body, towards this wretched people, and your manifest disposition to advance the prosperity of the new states; your memorialists humbly hope that an appropriation may be made, and such other steps taken as will most conduce to carry into effect their earnest wishes.

Therefore resolved by the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, That our Senators in Congress be, and they are hereby instructed, and our Representative be, and he is hereby requested to use their best endeavors to procure such an amendment of the act of Congress regulating intercourse with the Indian tribes as will effect the removal of the white persons resident among the Choctaws and Chickasaws, other than those engaged as missionaries or teachers among the said tribes.

APPROVED: February 11th, 1828.

CHAP. CXV.

MEMORIAL.

To the Senate and House of Representatives of the United States of America in Congress Assembled.

The memorial of the Senate and House of Representatives of the State of Mississippi, in General Assembly convened, most respectfully represents; That the state of Mississippi has appropri-

ated the sum of three thousand five hundred dollars, for the purpose of opening a canal through the bar, at the mouth of the east pass of Pascagola river, and appointed commissioners to superintend the excavation of the said canal; that your honorable body at the second session of the nineteenth congress, made an appropriation in aid of the said canal, of the sum of eight thousand dollars, to be applied under the direction of the U. States.

Your memorialists would further represent, that the lands adjacent to the Pascagola, belong principally to the United States; that they are of a quality susceptible of general cultivation; but the difficulty of passing the bar at the mouth of the river, deters the emigrant from making a location on its banks; the populating of this country then, in the opinion of your memorialists, depends entirely upon the success of this contemplated canal. The appropriations to this common purpose having been made in part by the state of Mississippi, and in part by the United States, and each appropriation to be applied under the direction of the sovereignty that made it, your memorialists find great difficulty in carrying into effect the intentions for which the appropriations were made, so desirable to this state and the nation. To remedy which your memorialists pray that the appropriations made by your honorable body, may be placed subject to the direction of the commissioners appointed by this state, for the purpose of superintending the excavation aforesaid, so that the same may be applied in a manner most subserving the purposes of appropriation: and your memorialists, &c.



Resolved by the Senate and House of Representatives of the state of Mississippi, in General Assembly convened, That our senators in congress be and they are hereby instructed, and our representative requested to use their exertions to have the object of this memorial effected, and that His Excellency be requested to forward a copy of this memorial and resolution to our senators and representative in congress.

APPROVED: February 11th, 1828.

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